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House of Commons
Home Affairs Committee

Leadership and standards in the police

Third Report of Session 2013–14

Volume II

Oral and written evidence

*Additional written evidence is contained in
Volume III, available on the Committee website
at www.parliament.uk/homeaffairscom*

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Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Keith Vaz MP (*Labour, Leicester East*) (Chair)
Nicola Blackwood MP (*Conservative, Oxford West and Abingdon*)
James Clappison MP (*Conservative, Hertsmere*)
Michael Ellis MP (*Conservative, Northampton North*)
Lorraine Fullbrook MP (*Conservative, South Ribble*)
Dr Julian Huppert MP (*Liberal Democrat, Cambridge*)
Steve McCabe MP (*Labour, Birmingham Selly Oak*)
Bridget Phillipson MP (*Labour, Houghton and Sunderland South*)
Mark Reckless MP (*Conservative, Rochester and Strood*)
Chris Ruane MP (*Labour, Vale of Clwyd*)
Mr David Winnick MP (*Labour, Walsall North*)

The following Member was also a member of the Committee during the Parliament.

Rt Hon Alun Michael MP (*Labour & Co-operative, Cardiff South and Penarth*)
Karl Turner MP (*Labour, Kingston upon Hull East*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom.

Committee staff

The current staff of the Committee are Tom Healey (Clerk), Dr Richard Benwell and Robert Cope (Second Clerks), Eleanor Scarnell (Committee Specialist), Andy Boyd (Senior Committee Assistant), Michelle Garratty (Committee Assistant), Iwona Hankin (Committee Support Officer) and Alex Paterson (Select Committee Media Officer).

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Taken before the Home Affairs Committee

on Tuesday 16 October 2012

Members present:

Keith Vaz (Chair)

Nicola Blackwood
Steve McCabe
Alun Michael

Bridget Phillipson
Mark Reckless
Mr David Winnick

Examination of Witness

Witness: **Keith Bristow QPM**, Director General, National Crime Agency, gave evidence.

Q1 Chair: Good afternoon Mr Bristow. Thank you very much. I am sorry for keeping you waiting. We have had a heavy session so far and also a vote in the middle, although there are no votes in the middle of your evidence session.

Thank you very much for coming. It is nine months since we last saw you when you were the only employee of the National Crime Agency, the flagship of the Government's new landscape of policing. Have you been joined by other people?

Keith Bristow: I have, Chair, and thank you very much for inviting me back. We are steadily now starting to recruit the senior leaders for the NCA, so I have been joined by Trevor Pearce, who is the current Director General of the Serious Organised Crime Agency. He has joined us and he is now double-hatted. He has undertaken a Director of Operations role within the NCA at the same as running SOCA. Peter Davies, who is the Chief Executive of CEOP has joined us on the same basis, and we have recruited David Armond as Director of Border Policing. Shortly we will be in a position to make an announcement on the Directors of Organised Crime and Economic Crime. So, at last I am being joined by some friends and colleagues.

Q2 Chair: Good. Are you making these appointments, or is this done by senior civil servants or by the Home Secretary?

Keith Bristow: I am a member of the panel. It is a civil service commissioner process but these are the people that I need to join the agency, and they are people in whom I have a great deal of confidence.

Q3 Chair: So, it is civil service-led rather than police-led. Is that fair?

Keith Bristow: Yes, because these appointments are into senior civil service posts.

Q4 Chair: Right. I think when you last came before us we were not sure as to what your budget was going to be. You told the Chief Superintendents Conference on 12 September that your budget was going to be £500 million a year but the Home Office Minister, Lord Henley, told the House of Lords in June it was going to be £400 million. Do you now know what your budget is going to be?

Keith Bristow: I think there was a little bit of paraphrasing in the reporting that came from the

Superintendents Association. What I said was it would be under £500 million when you take into account the various independent funding streams that we will receive.

I am operating on the assumption that our core funding will be the post comprehensive spending review budget of our main precursor.

Q5 Chair: Sorry, can I stop you there? We are not very good at jargon. We would like just figures if you could tell me. Do you know what your budget is going to be?

Keith Bristow: I am operating on the assumption that it will be £403 million, which is the SOCA budget for the year of our first operation, but SOCA receives around £40 million or so in other grants to undertake particular work, so it will be, I would assume, over £403 million, but I don't have a precise figure at the moment, Chair.

Q6 Chair: So, your understanding is that you will get SOCA's budget less the special grants that they get, which is about £403 million, but you have not had an email from the Home Secretary saying, "Your budget is £403 million." It is just an assumption you are making.

Keith Bristow: We have a planning assumption, which is a reasonable assumption, which has been worked through with Home Office officials.

Q7 Chair: We are not trying to catch you out; we genuinely want to know. What has happened to the NPIA budget? Because they also had £400 million. Where has that gone?

Keith Bristow: We have had a number of specialist functions transferred. They will come to NCA in due course. They are being held in SOCA at the moment, and those functions come with around £10 million worth of funding and that is included in the figure that I have just shared with you.

Q8 Chair: Sure, but what about the rest of the NPIA budget? Do you know what the NPIA budget was, what Nick Gargan had responsibility for? Because I have it here as 1,500 members of staff and £392 million. They are obviously being abolished and their powers are being transferred. At the moment on the grid that I have in front of me the only powers that you are getting at the moment, and I may be wrong,

are the Proceeds of Crime Centre. Are you conscious of having anything more other than the Proceeds of Crime Centre?

Keith Bristow: A number of functions have already transferred, Chair. I think the Proceeds of Crime Centre is a function that will transfer in due course.

Q9 Chair: Right, but that is coming to you?

Keith Bristow: Yes.

Q10 Chair: What else is coming to you? Are you getting training, IT, science and forensic service?

Keith Bristow: No, the functions that we have inherited are operational services, so Serious Crime Analysis section, the Central Witness Bureau, those sorts of specialist crime fighting functions. Those are the ones transferred to SOCA.

Q11 Chair: At the moment you are only going to get the old budget of SOCA and that is it?

Keith Bristow: That is the assumption that we are operating on at the moment. Just going back to the point that you made about the additional grants, my assumption is that we will get additional grants on top of that, but I am just not clear at the moment given the phase that we are in through the spending review coming up exactly what those will be.

Q12 Chair: All right. Now, bearing in mind that you are a new organisation and that the Home Secretary is rightly setting a lot in store by what you are going to do, is that going to be enough for you to deal with these myriad new responsibilities that you are going to take on—organised crime, border policing, economic crime, child exploitation, as CEOP is coming within you with their own budget, I assume, and cyber crime? Are you happy with the resources that you have? Because at the start of an organisation, this is the time to ask.

Keith Bristow: My priority is to make sure that the resources that we are given are used to best effect, and I am confident that we can make a step change in our ability to fight crime, to protect the public in all the areas that you mentioned with the resources that we have been given. Of course, if we had more resources we could do more, but I recognise that across the whole of the public service there are pressures at the moment and my focus is on doing the best that I can with what we have and we will deliver a very real change.

Q13 Chair: Excellent. Now, SOCA had 3,800 members of staff, the NPJA had 1,500 members of staff. How many of the 3,800 members of staff do you anticipate will end up in the National Crime Agency?

Keith Bristow: If you are a substantive officer within SOCA, my assumption is that those officers will be part of a statutory transfer scheme, which gives them right of passage into the National Crime Agency. So, I am assuming unless colleagues in SOCA choose to go and do something else they will join the NCA, and I am operating on the assumption that our workforce will start at around 4,000 officers, or just over that number.

Q14 Chair: So you will have more officers than there were officers in the Serious Organised Crime Agency? You will have 200 more.

Keith Bristow: The 3,800 figure that you quote, quite rightly, does include the officers that have already transferred from NPJA.

Q15 Chair: That is 1,500 from the NPJA?

Keith Bristow: It is only 150 or so that have transferred from the NPJA to SOCA though.

Q16 Chair: You have the same number, or more, or less?

Keith Bristow: A couple of priorities for me are that I want more of our officers to have law enforcement powers.

Q17 Chair: No. I understand that. We will come on to functions in a minute. I just want to try to get it right. Will you have more officers, or less officers, than there were at the disposal of SOCA?

Keith Bristow: I am assuming we will have approximately the same number of officers on day one as the precursor agencies have had.

Q18 Chair: That is a very helpful and very precise answer. I am grateful for that. We will come on to CEOP; Mrs Nicola Blackwood will be talking to you about CEOP. Just to get the landscape right at the moment, apart from your senior management, there is nobody else actually working for the NCA. Is that right?

Keith Bristow: That is correct at the moment. We are still working through the details of a statutory transfer scheme and clearly, at the moment, we do not have an agency. The existence of the agency depends on the views of Parliament.

Q19 Chair: Of course. A vesting day, we know; the Home Secretary told us. You see, what worries me and others, I think, is while this great organisation is going on and the new landscape is being formed—and it is right that we should have a new landscape, incidentally, and I support fully, and this Committee supports fully, the creation of a National Crime Agency—the Mr Bigs of this world are rubbing their hands with glee, because instead of officers being committed to try to catch them, we are involved in this reorganisation as to who is going to get what job and where they are all going to sit in the new landscape. Is that a worry to you, or are you happy that it is all going on?

Keith Bristow: If there are criminals, and particularly the most dangerous criminals, that are feeling like that, of course it is a worry to me, because I would like to see those people being brought to justice and their behaviour disrupted. What I would say is that the precursor agencies, including SOCA and CEOP and some colleagues in NPJA and elsewhere, are working very hard to tackle those people at the moment. We are already developing some shadow arrangements, and my ambition is that around April or May next year we will have moved into—as much as we can without legislation—a set of arrangements that are in effect a shadow National Crime Agency. We will be

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ensuring that all of those resources are working in the way that we all have an ambition to have them working.

Q20 Chair: At these meetings, when people sit around and divide up the new landscape—you presumably are present—are you making the case for certain parts of the other organisations to come to you on operational grounds, along with other people? Who sits at this meeting? Presumably, Nick Gargan, does not attend these meetings any more because NPIA no longer exists. Is there a meeting going on where the key people involved in the NCA—the College of Policing, the IT company—do they sit around and decide on this, or does it come from on high and somebody else decides, you will get this database or you will get that database?

Keith Bristow: There are a group of colleagues that have an oversight role in exactly the way that you describe. I feel absolutely engaged in that debate. The bits that I am interested in, of course, are not about databases; they are about crime fighting capabilities.

Q21 Chair: Who are the other colleagues who sit around the table with you?

Keith Bristow: The president of ACPO, other senior officials, people such as Nick Gargan; groups such as the Policing Oversight Group.

Q22 Chair: You all sit there and decide on the new landscape?

Keith Bristow: We are engaged in forming those decisions, but some of those decisions are clearly for Ministers.

Q23 Bridget Phillipson: Can I ask what international comparisons have been explored when you have been setting up the agency?

Keith Bristow: I think myself and a number of colleagues have pretty substantial international experience, and we have considered all sorts of good practice and different approaches. What we are trying to develop is a distinctly UK-based approach, because of the particular challenges and opportunities that we have here. The international colleagues that I am engaging with on a regular basis are very interested in the model that is being developed. I will be interested to see if there is learning for them, and we are taking learning from the new approaches that they have developed as well.

Q24 Steve McCabe: Mr Bristow, I read somewhere that in the last financial year the agency was given £3 million to set up the Co-ordination and Intelligence Centre. I wonder what you have done with that money, if you have spent it, and if you have, what you spent it on?

Keith Bristow: The agency as such would not have been given the money, but I think you are referring to the Organised Crime Co-ordination Centre. Am I correct? That centre is now operational.

Q25 Steve McCabe: I think in some documents it is called the Co-ordination and Intelligence Centre, but

I am going to assume it is the same thing we are talking about.

Keith Bristow: If I assume the same, the Organised Crime Co-ordination Centre is the place where we bring together different datasets from across the whole of law enforcement to deconflict them, to make sure that we are not doing things that overlap or are incoherent, and we share intelligence to make the best judgements. It is the place where the Organised Crime Group mapping process, which is moving on our understanding of organised crime, is developed. That is up and running and is making a real difference already.

Q26 Steve McCabe: Is £3 million about the right figure that it cost to bring that work together? Is that about right?

Keith Bristow: I would need to check and respond to you on that, because that figure may well be right, but I would want to come back with a precise answer.

Q27 Steve McCabe: But it is up and running and it is working now?

Keith Bristow: It is, and it is making a real difference.

Q28 Chair: Your former colleague, John Yates, said in the comment piece in the *Telegraph* that a British FBI will not make us any safer. Do you agree with him?

Keith Bristow: To be clear, we are not developing a British FBI. We do not have those different jurisdictions where we have federal offences and state offences. What we are doing here is integrating a whole law enforcement response. My very strong view—otherwise I would not have applied for this job, nor do I believe I would have obtained it—is that this is an opportunity to join up the whole law enforcement effort against criminals and threats that do not respect geographic or agency boundaries, and tackle those more effectively and cut crime.

Q29 Mr Winnick: I cannot speak for my colleagues, but I think it would be true to say they are more enthusiastic about the National Crime Agency than I am. There has been, as the Chair just mentioned, a comment among some people at least, that this will be the equivalent of the United States FBI. Is there not a danger of talking up this agency when, quite likely, it won't be able to do what, in many instances, is being proposed?

Keith Bristow: What is being proposed is that we have a system of police forces—over 50 within the UK at the moment—and a set of national agencies, and we are developing an agency that will lead the overall response. That is partly about the operations that we lead; it is partly about how we support wider law enforcement; and it is, significantly, about how we co-ordinate the overall effort. This is about the joining up of law enforcement agencies to tackle those threats that do not respect geographic or agency boundaries. It is not about creating an agency that would scoop up the whole of the problem. We would not have the capacity to do that, and that would not fit with the model of policing that we have within the UK. We need to stretch from local through the regional to the

national and the international, and we need to lead the overall effort. That is the agency that I am building to do that.

Q30 Steve McCabe: Do you think there is any merit in making comparisons between the National Crime Agency and the FBI?

Keith Bristow: I think there is merit in making comparisons with all sorts of agencies where there are things that we can learn.

Q31 Steve McCabe: Particularly the FBI—let us stick to the FBI.

Keith Bristow: There is much that we can learn from the FBI, but the model we are developing is quite different from the model that exists in the United States, because we don't have federal offences and we all operate within the same jurisdiction.

Q32 Steve McCabe: When the Serious Organised Crime Agency was established, we had witnesses at the time and I was a member of the Committee, and there were certainly high expectations of what that agency would undertake, and no doubt it did good work. Would you not say however, that it did not quite fulfil its promise?

Keith Bristow: I think SOCA have done some very good work, and made a very real difference. I have heard the Chairman comment on a number of occasions about the international work that SOCA has done, but let us be clear, we would not be making this change if everything that we needed to be delivered within a modern context had been delivered. This is about building on the very good work that SOCA has done. It is about a different model. SOCA was never given the remit to lead the overall law enforcement response. There was never a proposition that they had the powers to task, whether directed or voluntary. There was never the breadth of responsibilities that the NCA will have. To be clear, what I am building is a law enforcement agency that will do all of that to a world-class standard.

Q33 Steve McCabe: You can always prove me wrong, can't you?

Keith Bristow: Pardon?

Steve McCabe: You can always prove me wrong in the end.

Keith Bristow: That would be my ambition, I am afraid.

Q34 Chair: It is an ambition of some of us, as well. Let us move on to the issue of PCCs. You gave a very long interview in *The Times* this morning as a curtain-raiser to your appearance before the Select Committee. It gave us a little bit of insight into you. You certainly were able to talk to them about a number of issues. One of the issues that you raised was Police and Crime Commissioners, and you seemed to indicate that you thought that there may be conflicts, potential conflicts, between the new PCCs and local Chief Constables. At some stage you will have to engage with the crime commissioners; how do you intend to do this?

Keith Bristow: The interview that appeared in *The Times* this morning was not a curtain-raiser from my point of view. It was last week. The two issues that were reported—they were reported accurately—were two issues that were raised in an hour's interview. I have met, in large groups, with 120 or so prospective Police and Crime Commissioners. I have been impressed by the number that absolutely understand, if you are interested in acquisitive crime and violence and antisocial behaviour, then for instance, drug markets, as too cyber crime. People understand that. The point that I was making was that as committed professionals, whether elected or appointed, Chief Constables, myself, the Home Secretary and PCCs are all going to be looking for improvements in public protection and to cut crime. We will not always agree on every occasion about how we might do that, but on most occasions I think we will. I think there is a lot of common sense and a lot of determination around to ensure that we cut crime by working together.

Q35 Chair: One of the key tasks you have is the tasking power to get Chief Constables to do things that you would like them to do. Do you think that this is going to work in respect of a PCC who does not want his or her Chief Constable to do something that you instruct them to do?

Keith Bristow: I think I have been very clear that the way in which we want to work with policing and our other law enforcement partners is a shared intelligence picture and making sensible decisions collectively about how we are going to tackle the most dangerous people and the most dangerous groups and prevent organised crime. In those extreme circumstances, if we are unable to agree or it is expedient to use a tasking power, then I think I do need that power to be in the armoury. But part of me feels that if that is the case, somewhere there has been a collective failure.

Q36 Chair: You don't want to use it if you can help it, but it is nice to have it?

Keith Bristow: I think it also signals a very clear intent and determination to tackle these organised crime groups and these individuals, who are dangerous and causing hugely significant problems. With leadership comes the ability to shape behaviour and approaches. I have just come now from a meeting with a lot of my colleagues across policing, senior colleagues, and they share my determination to tackle these groups and individuals and we are very confident that, working together, we will do just that.

Q37 Bridget Phillipson: The agency will have to prioritise different threats. How will that process work, and what will that kind of prioritisation work in practical terms?

Keith Bristow: One of the things that we are seeking to avoid, and this is a piece of work that is developing now, is taking a crude threshold approach. If we talk about drugs, I want to avoid a certain quantity of drugs that are seized becoming an NCA-led operation, versus a smaller quantity might belong to another agency. The approach that we are developing is about developing clear principles that the whole of law enforcement can sign up to, such as, what is the

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seriousness of the criminality, what are the opportunities, what can partners bring, what specialist capabilities can we bring, and developing our understanding of organised crime groups, to identify those that are particularly nationally significant. I believe that is a very good starting point for where the NCA should lead operations and provide most support to other law enforcement agencies that are targeting those groups.

Q38 Bridget Phillipson: We heard earlier from the Chief Constable of South Yorkshire on the cases in Rotherham around child sex abuse. What would you anticipate for the agency in not simply dealing with individual cases, or collections of cases, as we have seen in Rotherham, but in assisting police forces in coming to recognise how you might deal with that kind of organised exploitation of children?

Keith Bristow: CEOP will become a command within the NCA, and it will therefore be connected to the wider law enforcement resources that we have within the NCA, and then into policing through the national tasking and co-ordinating arrangement. We are positioning CEOP in a particular way where they have access to those resources. I want to build on the very good work that CEOP has done around exploitation, whether that is within local communities in the way that you have described or it is online. I think there is real expertise, there is real understanding, and there is absolutely proper law enforcement response that we can bring to support local forces and agencies.

Q39 Nicola Blackwood: We have had some reassuring evidence from Trevor Pearce from SOCA and from Peter Davies that, despite initial concerns, they are confident that CEOP will retain its special character and independence within the NCA, but obviously there are going to be pressures on resources, and when you are faced with the need to prioritise between child exploitation, drugs and terror, how confident are you that you will still be able to protect CEOP in that context?

Keith Bristow: Inevitably, in all public services, and NCA will not be any different, we would like to do more, and sometimes we will be required to make difficult choices. To be clear, child exploitation is about as horrible as crime can be. I am very clear how important it is that we put the right level of resource into tackling those particular threats, and we work well with a wide range of partners, not just law enforcement. You and I both know—NSPCC, private sector partners—it is very, very important. I am confident, as is Peter Davies, who has been appointed into a role in the NCA, that we can improve what CEOP operate to do at the moment, rather than erode any of the important work that they do.

Q40 Nicola Blackwood: As I understand it, there is a new duty to have regard to child protection in the NCA, which was not in existence before in SOCA or any other agency. Do you think that this will help in terms of joint working between CEOP and the other parts of the NCA, so perhaps joint operations will be more effective?

Keith Bristow: I have never found any problem whatsoever engaging police officers and law enforcement officers in tackling child exploitation, but I think it is very important the whole agency has a duty in law to ensure we have regard to the needs of children. That is more than presentational; that is an important part of us thinking through all of our policy decisions. We must have the interests of children at the forefront of our minds.

Q41 Nicola Blackwood: If you have not ever had any problems in engaging officers in child exploitation, then why have there been so few prosecutions in child sexual exploitation cases up until this point? Why has this, over the last year, become such a scandal nationally?

Keith Bristow: The point that I am making is that you don't need to work hard for police officers and law enforcement officers to understand that children are some of the most vulnerable people in our society and need particular care and protection. There is a lot of work going on at the moment that I know that you will be aware of, to understand some of these particular cases and to understand that law enforcement and others could have done more, so I will wait to see what comes from those scrutinies of what has happened, and we will go from there.

Q42 Nicola Blackwood: You do accept that it is important that the lessons of the appalling cases which are coming to light do need to be learned, and that there is better working that can come out at the end of it, so that we don't have a repeat of some of these cases in future, because some of them do engage organised crime at different levels? I think that it would be something that certainly CEOP would provide, and NCA would hopefully be playing a significant role in, going forward.

Keith Bristow: I absolutely accept the importance of learning lessons, and I know that Peter Davies is giving evidence before you in a couple of weeks, and I know that he believes that too. Peter is a very strong advocate within our team for the needs of children and the importance of tackling exploitation.

Q43 Chair: Can I just put to you the case that is in the public domain? The Metropolitan Police arrested a multimillion pound owner of various assets. It was a very big operation. They confiscated his passport. He managed to go to Iraq, along with the assets he owed the courts, simply by applying to the IPS for another passport. Nobody had told the Passport Service that his passport had been confiscated. How would the existence of the National Crime Agency make any difference to that kind of case?

Keith Bristow: My understanding is there is a very clear process in place to prevent what you have just described happening, and clearly that has not worked.

Q44 Chair: What is that process?

Keith Bristow: My understanding is that the law enforcement agency that take possession of a passport have a responsibility to inform the Passport Service of what they have done, to prevent further applications. I

only know what you know, from within the public domain.

Q45 Chair: You have seen the case, have you?

Keith Bristow: It would appear that something has gone wrong in these circumstances, but I am not in a position to talk about this specific case, because I know no more detail than you.

Q46 Chair: Sure. But in those kinds of cases, as you are a national agency, would it not be better if there was also a relationship between the NCA and the Passport Service?

Keith Bristow: Absolutely. There will be a very strong relationship between the Passport Service—

Q47 Chair: They would notify you and you would be able to notify the Passport Service?

Keith Bristow: We are not there yet.

Q48 Chair: Is that the intention?

Keith Bristow: There will be a very strong relationship between the Intelligence Hub and the Passport Service. We need to work through the detail of that, but particularly given that we have the border policing command and an overall responsibility for border security, one can see how some of these important provisions could perhaps come together. To be clear, the provisions that are in place, it seems to me, work in the vast majority of cases.

Q49 Chair: Except this one?

Keith Bristow: This is one that we know of.

Q50 Mark Reckless: In your interview with *The Times*, the curtain-raiser or otherwise, you said, “I value my privacy. I do not want to be snooped upon or have my life intruded upon. That is not what we are talking about here. We are talking about criminals who run organised crime gangs that import drugs, we are talking about predatory paedophiles, we are talking about dangerous people, and we need the tools to do the job.” But isn’t information on everyone going to be kept?

Keith Bristow: Retained, yes, but not necessarily made available to law enforcement. The point that I am making is that I too have concerns about those privacy issues that we have just discussed, but I am not one of the sorts of people that I then went on to describe.

Q51 Mark Reckless: You say not necessarily made available to law enforcement, but my understanding is that law enforcement, a senior police officer, would sign off for access to that, rather than a member of the judiciary. Is that correct?

Keith Bristow: That is correct.

Q52 Mark Reckless: So it will be available to law enforcement, subject to a senior law enforcement person saying, “Yes, let us look at that”?

Keith Bristow: It will, but where we are undertaking a criminal investigation involving serious criminality, and the threshold is quite significant, as it is at the

moment, in terms of accessing data and personal information.

Q53 Mark Reckless: You say it is not a political intervention, made in support of this process?

Keith Bristow: Absolutely not. My point is that my job is to protect the public and cut crime. Most people that would be interested in, within the NCA, one way or another, use the cyber environment and data is hugely important if we are going to bring those people to justice and stop them hurting people.

Q54 Mark Reckless: So you need it to do your job. What will you do if we don’t give you that power?

Keith Bristow: I will have to work very hard at finding other ways of mitigating the loss of capability. We are losing capability at the moment, because criminals now conduct their business in a different way that sometimes is beyond the reach of law enforcement.

Q55 Mark Reckless: Is that extra capability worth £1.8 billion?

Keith Bristow: I would find it very difficult to put a value on losing that capability. I am very clear that this is an essential part of modern law enforcement and protecting the public. It is absolutely crucial.

Q56 Mark Reckless: Just one final point. In your interview you said that law enforcement agencies must be more open and accountable for the way they use their powers. You promised that the NCA would be more transparent than previous bodies. How will the NCA be transparent and accountable?

Keith Bristow: Through the media to the public, directly to the public, and with our partners. I want people to be very clear about what we stand for, what our officers believe in, what our standards are, how we are delivering or not. I want a different level of openness and transparency than we have seen from the national agencies that have gone before. I am very clear that is an important part of law enforcement.

Q57 Mark Reckless: But the local Police and Crime Commissioners are going to hold their Chief Constable accountable. SOCA had an oversight board. What are the arrangements going to be for you? I understand you will talk to the press, which is all well and good, but in terms of, say, democratic accountability, how is that going to help you?

Keith Bristow: The arrangement set out in the Bill is that I will be directly accountable to the Home Secretary, and through the Home Secretary, to Parliament. I think the Home Secretary has been very clear that that is the arrangement that she believes is appropriate. Beyond that, whether it is Police and Crime Commissioners, Chief Constables, or other important partners, I absolutely need to develop the right relationships and ensure that all of those partners understand what organised crime means for local communities, the challenges that they face, and to understand what we can bring and how well we are doing it. How I am called to account is ultimately a matter for the Home Secretary and Parliament. I am very clear, the set of arrangements I am going to have in place are about being open and transparent, as law

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enforcement should be. There will be occasions where we can't do that for operational reasons.

Q58 Mark Reckless: As well as being accountable to Parliament through the Home Secretary, we also look forward to your future appearances before our Committee?

Keith Bristow: Whenever I am invited, it is my absolute pleasure to come and describe to you what we are up to and answer your questions.

Q59 Chair: Excellent. Let me end by asking you some final, general questions about your position. You will be one of the top police officers in the country, along with the Commissioner and the head of the new College of Policing. Do you have any views as to whether the people who run the college, the chairman and the chief executive, whether they ought to be police officers?

Keith Bristow: Certainly starting from where we are now, the chief executive should have significant senior policing experience. One would hope that within the relationship between the chief executive and the chair, there needs to be a balance of expertise and knowledge, but given the very good work that has been done over the years on professional practice and policy, and training and professionalising the service, I think having a professional that is leading that is the right thing to do.

Q60 Chair: You have just completed Operation Sacristy, which found the Chief Constable of Cleveland guilty of gross misconduct. I think he has just been dismissed. Is that right?

Keith Bristow: He has, but I have not completed the operation. Sean Price remains on bail, as do a number of other people, and the criminal investigation has some way to go, as do some other misconduct investigations that are currently in place.

Q61 Chair: You are still doing that?

Keith Bristow: I am.

Chair: As well as being chief executive of the NCA; it does not impinge on your work running the NCA?

Keith Bristow: It is a challenging role, as I am sure you will understand, but it is a role that needs to be dealt with.

Chair: No, I am talking about the other work you are doing with Sacristy. That is not taking you away from your other duties?

Keith Bristow: It is a challenge, but it is the right thing to do to see it through to a conclusion.

Q62 Chair: It worries me, the large number of senior police officers who are currently under investigation. I think nine senior police officers, Chief Constables, are under investigation of one sort or another. Does that worry and concern you? We are talking about a new College of Policing for ordinary police officers, but at the highest levels there seems to be a problem.

Keith Bristow: During recent weeks we have seen the first Chief Constable dismissed for 37 years, Sean Price. Equally, we have seen a Chief Constable who was the subject of some allegations who has been completely exonerated. My personal view is that those that lead any organisation, and I think this applies more so to policing and law enforcement, given the trust that is placed with us, need to lead by example and have the highest standards of integrity and probity in everything that we do. If we fall below those standards, we should be called to account and dealt with robustly. It is as simple as that.

Q63 Chair: Indeed. You are looking forward to this job. You are waiting for vesting day. We do not have a date for vesting day as yet?

Keith Bristow: We are working towards 1 October, and I am very much looking forward to it. It is a very exciting time.

Q64 Chair: This is 1 October next year?

Keith Bristow: Yes.

Chair: And by then you will have your 3,800 members of staff?

Keith Bristow: I hope it will be 4,000 and over.

Mr Winnick: And you can start proving that I am wrong.

Chair: Okay. Mr Bristow, thank you so much for coming in today; most grateful. Thank you for your time.

Tuesday 8 January 2013

Members present:

Keith Vaz (Chair)

Nicola Blackwood
Mr James Clappison
Michael Ellis
Lorraine Fullbrook

Dr Julian Huppert
Steve McCabe
Mark Reckless
Mr David Winnick

Examination of Witnesses

Witnesses: **Sir Hugh Orde**, President, Association of Chief Police Officers, and **Simon Edens**, Deputy Chief Constable, ACPO lead on anti-social behaviour, gave evidence.

Q65 Chair: Can I direct all those present to the register of members' interests where the interests of members of this Committee are noted. Are there any other interests that need to be declared for the purpose of our inquiry? Thank you.

This is the first session of the Select Committee's new inquiry into leadership and the police. This will go on for several months and it will be formally launched with the public next Monday during a seminar which you, Sir Hugh, will be speaking at. Could I welcome today Sir Hugh Orde, the President of ACPO, and the Deputy Chief Constable of Leicestershire who has the ACPO lead on anti-social behaviour.

Thank you for coming. I know, Sir Hugh, that you need to go halfway through the evidence session, so what I am suggesting is that we take your evidence first allowing you to leave in about 20 minutes and then go on to anti-social behaviour.

Sir Hugh Orde: Thank you, Chair. I have a meeting with the Police Federation that I am keen to keep.

Chair: Of course.

Sir Hugh Orde: I am grateful.

Q66 Chair: We are launching today, Sir Hugh, our inquiry into leadership and standards in the police and, obviously, in recent weeks there have been many comments made about various aspects of policing. I want you to assess for us first of all the morale of the police force in general and the police service in general. How would you assess it at this moment?

Sir Hugh Orde: Thank you, Chairman. I have said before that morale in policing has been at an all-time low since I joined in 1977. I think it is a cultural thing to some extent. Clearly, frontline officers are concerned. The feedback I get from chief officers is they are leading them through some challenging times where their pay and conditions are being revised. You know the ACPO position on the report by Tom Winsor was that we support a transition to a more reward for delivery-based system of police pay, so they do feel under pressure financially, personally for example. That having been said, I do not believe that is impacting substantially on the work they do when they are out there protecting the public. Crime continues to fall, confidence remains pretty stable. The latest statistics show fairly stable confidence in policing measures by independent surveys. I do not think that would be the case if they were not committed to doing a professional job, despite the fact they have personal concerns.

Q67 Chair: You were a convert to the concept of police and crime commissioners. Originally I think you expressed concerns about them. Were you surprised at the low level of turnout in respect of those who were elected? Is that one of the factors as far as the landscape of policing is concerned?

Sir Hugh Orde: No, I do not think so. I was actively indifferent, Chairman. We have been absolutely consistent in saying that a democratically elected Government decides how the police service is held to account. I think that is one of the basic bedrocks of the British policing system, with operationally independent chiefs held to account by systems in whichever way the current Government thinks fit. Equally, I do not think it is our business to talk about turnout. That too is a matter for others. What I can tell you is we have continually sought clarity, as we did during the passage of the Bill and before with officials and Governments, and as a result of that we have the policing protocol. We have the strategic policing requirement which reassures the leaders of the service that operational independence is now enshrined in primary legislation, and that there will be due regard paid to the national pitch of a national policing requirement, which we would say is essential in a devolved policing model. The report I have to date, I have met most of the police and crime commissioners at a Home Office event and we are working hard to bring those that are less up to speed with the policing environment up to speed and chief officers are engaging locally with them.

Q68 Chair: Later, Sir Hugh, we will be hearing from the Commissioner specifically about the issues concerning Andrew Mitchell, but when this incident took place you made a statement, and these are your words: "There's always been and there should always be a healthy tension between politicians and the police service." However, since then we have discovered, largely through the work of a television programme on Channel 4, that it is possible that some of the evidence in that case was fabricated by police officers. We do not know because there is an ongoing inquiry and the Commissioner is going to talk to us about this later, but, standing back as President of ACPO and looking at the whole circumstances, do you think there was too much of a rush to judgment on the circumstances of this case? Ought people to have stood back and waited until the facts emerged first?

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Sir Hugh Orde: It was a rapidly developing scenario. This of course broke during the party conferences, and I was at all three doing fringe events with both the Superintendents' Association and the interim body for the Police and Crime Commissioner. It was a consistent theme, and our response was equally consistent, which was that we were clear an event had taken place; we were clear an apology had been given; we were clear that the officer had accepted the apology; and the ACPO position was, "Can we all please move on from this?" I do not think that event, while it has moved on substantially from then, has caused a substantial change to what I do believe should be a healthy tension between elected representatives of the community and the police service. It should not be a cosy relationship. It should be a constructive relationship. It should not be an unpleasant relationship. That is why I describe it as a healthy tension.

Q69 Chair: But Mr Mitchell has made it very clear in the article he wrote in *The Sunday Times* that it is not just about him; it is about the standards of integrity of police officers. When a police officer gets up in court and makes a statement people have to believe what they say. It is the credibility of the evidence. Whatever is in the public domain you are aware of, as this Committee is because we are not part of the investigation, are you surprised at some of the allegations that have been made about members of the police force sending emails pretending to be members of the public?

Sir Hugh Orde: Yes, I am surprised. I know Bernard is here later; Bernard described his response to that as firstly the deployment of substantial resources to it—quite properly—and secondly, a ruthless search for the truth. I think it would be inappropriate for me to try to second-guess that. But what I can say, and where the service has always responded, is if things are found to have gone wrong, we will respond to that and we will deal with it.

Q70 Chair: Is it a worry to you that there are so many operations currently being undertaken that in part relate to police failures in the past? Operation Alice, of course, is one of them. You then have Yewtree, and we have seen the prosecution that is currently going on in respect of the News of the World and a former Chief Inspector who worked for the counter-terrorism police. You have Weeting, Tuleta and Elveden. I counted up that there are probably over 200 detectives involved in these various different investigations at this very moment. Does it worry you that so many relate to the issue of ethics and integrity, and is this something that we need to look at very carefully in the future?

Sir Hugh Orde: I think you should always look at ethics and integrity very carefully, Chairman. These span some substantial period of time. If one goes back to Hillsborough, for example, that was 23 years ago, but the experience I bring with me from Northern Ireland was you have to police the past to police the present. If there are issues that are unresolved they have to be dealt with, they have to be faced up to and they have to be properly investigated so some

resolution for the family members can be achieved. I think that should be a driving force behind them and some clarity as to what went on. Just because there is an investigation does not by definition mean something went wrong. It means it may have gone wrong and we need to wait and see what the inquiries tell us. The challenge will be that some of these inquiries are clearly complicated. Hillsborough, as is mentioned in your article, involves a substantial number of people to be interviewed be they as suspects or indeed, as witnesses, including police officers. This will take time and will soak up resources. I think it has to be done. I wonder if we need to think more carefully about looking forward. If this is going to be a continuing theme, this looking at unresolved issues or other issues emerging, do we need to seriously think about having a ring-fenced resource to deal with it? In Northern Ireland I faced 3,000 murders during the Troubles, 2,000 were never solved and I learnt very quickly, having met many families and relatives, that this was not going to go away and this service had an obligation to do so something, and we set up the historic inquiry team with Government support. That at least gave them some certainty that their case would be got to and would be looked at again properly and carefully with the benefit of hindsight and the benefit of new technology.

Q71 Chair: With a fresh pair of eyes with a different police force, or perhaps not by the police themselves?

Sir Hugh Orde: It was an independently funded group, but the funding was protected. I drew detectives from across the country, many retired detectives. There were many retired RUC detectives employed likewise because many families were comfortable with their cases being investigated by officers drawn from the Royal Ulster Constabulary George Cross; others were not. The family was the driving force, so we were different. We have presented our findings to the officials at Strasbourg who have been impressed by it and indeed as a result of which some of the requirements of the last Government were removed in terms of looking at Article 2 cases.

Chair: Thank you.

Sir Hugh Orde: It is a model we could consider.

Chair: It is a very interesting model; we have not heard of it before.

Q72 Dr Huppert: It is a pleasure to see you both here. Can I ask about the police professional standards issues? I am sure you are aware that there are about 200 police officers a year who are facing disciplinary panels who then retire or resign. The suggestion is that they do so in order to avoid misconduct proceedings. We know the IPCC has requested more resources to investigate corruption cases, and there were lots of appeals into investigations conducted by police forces which were upheld. I do not think anybody is suggesting this is widespread among the entire police force—I would like to make that very clear—but there clearly a number of quite serious cases. Do you think that police professional standards departments currently are effectively and transparently guarding against corruption?

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Sir Hugh Orde: I am grateful for you setting it in context, Dr Huppert; I think that is important. That is not to say we should be complacent. That is not to say we should sound defensive about looking at these issues. My sense is that post-Taylor there was a huge opportunity to resolve cases which were low-level in the sense of relationships between the citizen and the public and the police officer that could be resolved quickly and locally to the satisfaction of both. That was a big step forward because it allowed police complaints departments to look at the more serious allegations. Many of those in fact are as a direct result of information from other officers within the service, which I think is a positive statement. There is, without doubt, still some inconsistency if one looks at the figures for appeals, for example. In some forces it is 10 to 19%; in other forces it can be as high as 40 to 50%. There is clearly more work to do, and Mike Cunningham, who I know has given evidence to you, is leading to try to drive more consistency around those issues. I think some of that may have been during a transition where we did fail because the last process was so bureaucratic. We failed on process as well as failed on outcome. There is more work to do. Is it effective? I think it is part of the equation, and Mike Cunningham is very clear on this: integrity should not be just offset to a PSD; it should be cultural and imbued in the whole organisation. My personal view is you underpin that with a code of ethics. Frankly, my organisation has a mixed view on that. Some see the current statement, the common purpose and the code as good enough.

Q73 Dr Huppert: I am interested you mention ACPO's role in this. I have a list here—I do not how exhaustive it is—of ACPO rank officers who in the last couple of years have had interactions in this space. I see a chief constable who retired after admitting gross misconduct charged with conspiracy to pervert the course of justice. There is quite a long list. How well are ACPO officers and ACPO itself doing in providing the leadership in terms of clear, transparent standards?

Sir Hugh Orde: I think one of the great strengths of our system is that for anyone, regardless of rank, if a member of public wants to complain they have an absolute right to complain and that should be investigated. If an officer has failed to reach a standard, regardless of rank, they should be dealt with. We have lost one chief constable in 35 years by way of discipline. You are right: another chief officer—

Dr Huppert: That was last year, I think, was it not?

Sir Hugh Orde: Yes, in Cleveland, Sean Price was dismissed. That is the first for 35 years. One could take that either way. In a way it is quite a strong case, and that is quite a good record in terms of chief officers' integrity. It is one too many, frankly.

You are right; another officer retired having been found guilty of a disciplinary offence for which he received a final written warning. That would not have been terminated apart from the fact that his contract had expired, and so he retired on a standard police pension—not a big pay-off as described by the paper; it was a police pension. There are issues, and currently I believe 10 officers are under investigation. That is

10 officers out of 304 sworn ACPO officers, about 3% of the leadership. That is broadly consistent if one looks at other professions. If one looks at, for example, doctors, I think 62 doctors were taken off the list in 2011 out of a population of about 160,000, and I think there were about 52 solicitors out of the population of about 240,000 for misconduct matters. I do not think it is something we should take lightly. I think the service, because it is the police service, should have a really high standard because of that interaction with the citizen. I do not think there is a endemic problem with police integrity and that is underpinned—regardless of what I say, Lord Leveson has found that against his standard of proof, which was of course balance of probabilities, as did the IPCC and to a greater extent HMCIC's two inquiries.

Q74 Dr Huppert: We have been talking so far about the downside of standards. We are hoping we are looking at the positive side of leadership as well. What more do you think should be done to promote good quality leadership within the police service?

Sir Hugh Orde: I think the quality of policing is a huge opportunity. It is led by one of our most experienced leaders, Alex Marshall, who may be giving evidence; I don't know.

Chair: He is chief executive. There is no chairman at the moment.

Sir Hugh Orde: I apologise, he is chief executive. Yes, we are awaiting appointment of a chair. I think that is a critical appointment.

Chair: Mr Reckless will cover that when he has a question.

Sir Hugh Orde: Okay. But the College of Policing is taking the lead on it. Only yesterday I was at Bramshill addressing with Peter Fahy the latest cohort of senior command course officers, 32 chief superintendents who have got through the system together with international colleagues and colleagues drawn from the Home Office and probation service and that is the blue-riband training, but there is more to do, and I think the College properly should lead on standards.

Q75 Mr Clappison: Can I take you back to what you were saying about the Andrew Mitchell affair; I notice you said that you thought it required a ruthless quest for justice. I think you would agree this is a very serious matter involving the security of Downing Street and a number of question marks have been raised about that. Do you think the Metropolitan force is the best-placed force to investigate this, even if it is coming from another branch in the Metropolitan force? Do you think there is a case for it being looked at by a force outside the Metropolitan force?

Sir Hugh Orde: It is probably a matter for the Commissioner rather than me but I happy to give an opinion, and the ruthless quest is a quote. I think it is what Bernard said and he appointed a substantial resource, I think he has deployed 20 or 30 detectives on it, which shows how seriously he takes it. It is a matter for him to answer. I personally think his decision is a good one. I think he has clearly shown the leadership at the highest level that he intends it to be dealt with independently. There is a history of other

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police forces being asked to investigate. That can take place.

Chair: Robert Mark, yes.

Sir Hugh Orde: He has clearly chosen to do it in this way, and I am sure he will explain his rationale behind it when he comes to see you, but I am confident that if Bernard says it will be ruthlessly investigated it absolutely will be.

Q76 Mr Clappison: I appreciate that might be the intention. I am sure it is the intention. I am sure that he is offering leadership and taking it very seriously, but it is a question of how it appears to the outside world.

Sir Hugh Orde: Yes, I understand that.

Mr Clappison: The man in the street might be tempted to think if he sees these matters arising in the context of Downing Street, “Well, how can I rely on the police?”—

Sir Hugh Orde: Yes, I understand that.

Mr Clappison:—until the question mark is resolved.

Sir Hugh Orde: Indeed. The Commissioner has made his decision, and I am sure he will explain it to the Chairman. Of course, it is a huge force so the specialist unit that deals with Downing Street will be very different to the officers deployed to investigate it under, clearly, his personal leadership. I would be confident, but of course I am sure he will happy to explain his rationale to you.

Chair: Thank you. We will ask him that question.

Q77 Lorraine Fullbrook: This is supplementary to the last two questions, Sir Hugh. I wonder if it would be helpful, irrespective of the rank of a police officer, if they were suspended immediately when they were being investigated rather than allowing them to retire to resign, but they should be suspended immediately irrespective of the outcome of the investigation. That does not currently happen; only in some cases.

Sir Hugh Orde: No it does not. I understand why you see that would be of value. It would be a very expensive option. I am speaking pragmatically here. Frankly, some officers who are subject to discipline—and I have done this in Northern Ireland: I have made a pragmatic decision to remove the individual from the service—that is my primary objective—and if the likely outcome of a disciplinary hearing may be a lower sanction or a very drawn-out, complex legal process—because these things are—I would rather lose the individual. I think there are some valid observations made about making sure such individuals then cannot get back into the service. There may well be the need for a national register of people who have left under those circumstances to make sure that we do not then allow people to come in, and one could almost certainly make sure that the individuals are aware of that as well as the officer.

The other point is one of proportionality. Just because a complaint is made against an individual does not mean they have committed any offence. I was subject to two investigations as a result of complaints quite lawfully delivered to the police ombudsman of Northern Ireland, who investigated all complaints over there, and was investigated twice. The board’s decision was not to suspend me or to take me out of

circulation; I would say that was the right one, wouldn’t I? The findings were I was exonerated on both counts, but some time later. If someone is under investigation we must have a proper rigorous investigation process and we must then respond to what the outcome of that is. I am concerned at the moment that there is a growing concern in many newspaper articles about integrity in the police. In a general sense when one looks at the evidence, and by that I refer to independent evidence as I have said—Lord Leveson’s inquiry, the IPCC’s inquiry and the HMCIC’s inquiries—while there are clearly issues, there is no evidence in any of those independent inquiries of endemic corruption or integrity issues in the British police service. It is getting the balance.

Chair: That is very helpful.

Q78 Mark Reckless: Sir Hugh, you cite these various inquiries that say that corruption is not endemic in the police. Nick Herbert, the Policing Minister, said the same in an article in *The Observer* on 23 December. He then qualified that by saying, “Neither is it an aberration”. Would you agree with his qualification?

Sir Hugh Orde: I would, absolutely. That is why we have to make sure our resources are placed to deal with exactly those officers that no one in the service wants, whatever rank, and I think every staff association and professional body in policing is at one with that statement. We did commission Transparency International to look at how we deal with integrity, and I think we appended it as an annex to our evidence to you. It is a very well respected body, and what it says about the British policing model is we have more to do. One of the things it observes is we tend to be reactive not proactive. We have PSD departments; we put a lot of responsibility on them. It is around making sure we lead from the front—and that is ACPO—and we make very clear statements about standards and integrity and then we underpin that with systems that are not just to respond to events as they unfold but to prevent them happening in the first place, and that is exactly where Mike Cunningham is taking that development.

Q79 Mark Reckless: You say leading from the front is for ACPO, but what about the role of the new College of Policing in upholding integrity?

Sir Hugh Orde: I think that will own the standards, but to operationalise the standards, that has to be led by the operational chiefs and that is why we have a chief constable in charge of the quality of policing as a chief executive. We will have somebody who is not a police officer as the chair. We think that is entirely right to hold that chief constable to account. Alex Marshall will be part of chief constable’s council, so there is that transition so we can operationalise that, which Alex leads on, and as you know all the non-operational aspects of ACPO business areas will go into the College and go into that system for greater scrutiny through a broader panel on the management board.

Q80 Mark Reckless: But have we not now reached the point where there is at least a risk that police

officers, for instance when they are giving evidence in court, will no longer get the benefit of the doubt, so to speak, from juries when giving evidence?

Sir Hugh Orde: They should not get the benefit of the doubt now, Mr Reckless. I think it is absolutely right that that their evidence is robustly challenged at every level. Your observation is right in the sense that when I joined in 1977—I was discussing this with Peter Fahy yesterday, and basically what the officer said in court was accepted unquestioned, certainly in magistrates courts. I think that has changed over time. I think that is not just an issue for policing. If one looks at confidence in all the public sector over the last 10 years, confidence in all institutions has fallen. I think we have a far more challenging society. I think that is right. The law requires us to prove something beyond reasonable doubt. It is right that it is tested in extremis because of the consequences if a citizen is locked up.

Q81 Mark Reckless: But has there not still been at least a residual assumption that police officers will tell the truth, be it a jury or be it a magistrate? Other things being equal, that is the assumption. What I meant by benefit of the doubt is are we not losing that and are we not losing that in a way that is going too far in the process which you have just described?

Sir Hugh Orde: I think the vast majority of police officers absolutely tell the truth in court and are absolutely clear on their role as part of a judicial process. That is why I think all the checks and balances we have in the criminal justice system around our role, the CPS role, the role of the jury and the role of the judge makes it a very robust system. There is far more challenge now than there was when I joined. I think that is right, and I think it is right that police officers expect to be challenged. What we must do, and the College of Policing has a role in this, is to make sure they absolutely understand the need to gather evidence properly, the need to record stuff, the integrity of exhibits, the use of forensics to present the best possible case but then let the prosecutor decide on who is prosecuted and who is not.

Q82 Mr Winnick: Sir Hugh, there has been some coverage very recently about police officers who have second jobs. Apparently the figure from last May was over 23,000. Is that a desirable aspect?

Sir Hugh Orde: It is governed by regulation and ACPO guidance, which is available on the ACPO intranet. I am happy to forward a copy to the Committee.

Chair: Very helpful.

Sir Hugh Orde: There is inconsistency. The guidance is quite specific, and it covers all sorts of issues you would expect; for example, no police officer can have a role where licensing is involved, where the use of their skills primarily obtained as a police officer is used for their benefit outside the police service, the likelihood of injury, and all those sorts of things as you would expect. But we cannot stop it. We can regulate it, and that is what we do.

Mr Winnick: Why can you not stop it?

Sir Hugh Orde: I would spend my time in tribunals explaining why I was denying an officer off-duty the

right to do something which he or she would say they have a right to do and I suspect, and I know my advice would be, I would lose them. We can regulate it; we cannot stop it. We do regulate it, and I do think the article which you may be referring recently—and I know this Committee has been interested in this for some time, but the recent article—we did attempt to put substantial input to that article but none of it sadly was published by the paper, but ACPO did submit a full response to the reporter; he just chose not to use it, so it was slightly one-sided.

Mr Winnick: But you are not disputing the figure?

Sir Hugh Orde: I do not know we would agree with the figure, and frankly we do not have a national figure. We have a devolved service, and in a devolved service it is always going to be interpretation, a different interpretation, and you do get the odd case where you raise an eyebrow, quite frankly.

Q83 Mr Winnick: There may well be a case for having second jobs. I am not putting forward the argument against, but, you see, a lot of people would say, “A police officer has a full-time occupation, or it should be; where on earth does he or she find the time to do another job?”

Sir Hugh Orde: Many people have full-time jobs and do other jobs as well. Many people have more than one job. The largest proportion of officer’s registrations and ACPO guidance requires police forces to report what sort of jobs individuals are doing by job description and rank, frankly, rather than individual. Many are simply people who have inherited a second house or whatever which they then let, so it is not as if they are doing a full-time job. Some do certainly have other employments, which they have registered and reported, but their primary duty is to be a police officer. When they come to work, as a leader I expect them to give me 100% commitment and to do their job to the very best of their ability. We cannot prevent it.

Q84 Mr Winnick: I have two questions remaining, the first to Hugh. In the police service, is it registered if someone takes an outside job? Is there an obligation to register in anyway?

Sir Hugh Orde: Yes. I will send the ACPO guidance. It explains in full what is expected and all chiefs have signed up to the national guidance. They have to register it and it has to be approved. They cannot just register it and say they are doing it. It has to be approved.

Mr Winnick: I see.

Sir Hugh Orde: Most of that will be undertaken by the HR resource within the service.

Q85 Mr Winnick: As far as rank is concerned, is there a level where it would certainly not be expected, say a senior police officer, not to take a second job? Is that the situation?

Sir Hugh Orde: I think each case has to be considered on its merits. If it is helpful, I can draw that together and forward to you. It will be aggregated up from the service. It would be a piece of work that might take a short amount of time to put together.

Chair: That would be very helpful.

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Q86 Chair: Thank you, Mr Winnick. Some of these jobs that they are doing include being a priest, a pole dancing teacher, four pall bearers and even an ice cream salesman, so the register that you are describing, for example, that Leicestershire would have is people would write to the Chief Constable and say, ‘I would like to be a priest in my spare time’, and the Chief Constable would say, ‘Yes, you can be a priest’, and then there is a register which can be inspected by whom? I think that is what we are trying to get at. You have been very restrained in not saying that Members of Parliament also of course have second jobs, some of them, and they put it in a register.

Sir Hugh Orde: I cannot seek divine intervention on this, but Simon may be able to help you at the operational end on how it would work in Leicestershire, if that would be helpful.

Q87 Chair: Yes. They would write to Simon Cole, they would get approval, it would go in a register, would they?

Simon Edens: Yes, Mr Chairman, that is correct. The application would come through against the policy and then indeed it is my responsibility on behalf of the Chief Constable to assess them.

Q88 Chair: You would have a register with all the jobs? You would have names, what they want to do, hours—

Simon Edens: Indeed.

Chair: And how much they are paid?

Simon Edens: I do not know if that detail is published on the register, and I think that would depend very much on the particular occupation that people are seeking as a second job. I had occasion to review the register only last week, and, just to re-iterate the point that Sir Hugh made, the vast majority of second jobs on that list were people who owned property and were letting that property out but of course had an obligation to declare that.

Q89 Chair: How many are there in Leicestershire, out of interest?

Simon Edens: I do not have the details with me, but I can provide those to you.

Q90 Chair: Who can see that register?

Simon Edens: My understanding is that it is not published.

Chair: The chief constable?

Simon Edens: The chief constable would see it.

Q91 Chair: And other chief constables? If someone applies for a job elsewhere, would they have to declare it?

Sir Hugh Orde: It is part of the guidance.

Q92 Mr Winnick: I assume the two witnesses before us do not have second jobs.

Sir Hugh Orde: No.

Simon Edens: No.

Sir Hugh Orde: We are fairly well employed.

Chair: Coming before the Select Committee does not mean you have a second job.

Q93 Lorraine Fullbrook: In 2011 Her Majesty’s Inspectorate of Constabulary highlighted, ‘Conflicts of interest, tax and other legal implications of police officers and staff having second jobs or other business interests’, but there are currently 23 forces that do not check whether they are currently paying companies that are run by their own officers. Do you know what changes have been made in the last 18 months to control this risk?

Sir Hugh Orde: Sorry, are you saying people the service is employing?

Lorraine Fullbrook: Yes, 23 forces do not check whether they are paying with taxpayers’ money their own staff to do other jobs.

Sir Hugh Orde: I do not know the answer to that. I can find it out and get back to you.

Q94 Lorraine Fullbrook: Okay. The report went on to say that forces should act on the basis of national standards and expectations and there should be no geographical variables when it comes to integrity. Surely you must agree with that?

Sir Hugh Orde: I do, which is why there is national guidance. It is the interpretation of the guidance which Roger Baker’s report found to be the complexity. Frankly, as long as we have 44 forces we will get variation in what is acceptable and what is not.

Q95 Lorraine Fullbrook: There is no national guidance if 23 forces are not checking.

Sir Hugh Orde: There is national guidance. The question is, are they complying with it?

Lorraine Fullbrook: They are not using it; yes, okay.

Sir Hugh Orde: Yes.

Lorraine Fullbrook: They are ignoring it.

Sir Hugh Orde: I am happy to forward the guidance to you if that is helpful. I do not have a photographic memory on the guidance, but the reality is—

Chair: What is the answer to Lorraine Fullbrook’s question?

Sir Hugh Orde:—there should not be an officer having a business interest if the skill that officer is using as a business interest is one they got by virtue of being a police officer, so it should not happen.

Lorraine Fullbrook: But 23 forces are not checking, so therefore they are ignoring your national guidance.

Sir Hugh Orde: That would be correct, yes. If that is what they have done, then that would be correct, yes.

Q96 Lorraine Fullbrook: What can you do about that?

Sir Hugh Orde: As I have told you on frequent occasions, sadly, as President of ACPO, I have no power. We have power to put it out. I am delighted to raise it again with chief constables and Roger Baker’s report is the way of bringing it to the attention of the Home Secretary, who can then, if she wishes, stamp her feet.

Q97 Nicola Blackwood: I am a little confused, Sir Hugh. You said at the beginning of this series of questions about second jobs that you cannot stop it, but it appears that officers have to register a second job and be approved for it, so presumably the second job can not be approved.

Sir Hugh Orde: That is correct.

Nicola Blackwood: What happens when a job is not approved? You can stop it?

Sir Hugh Orde: Then the officer cannot do it.

Nicola Blackwood: Which is stopping the second job.

Sir Hugh Orde: Yes, but you cannot have a rule that says, “No police will do no second job”, which is why we have guidance that says, “Here’s what is acceptable and here’s what is not”, against which a job application is judged, as Simon has described.

Nicola Blackwood: The point is that you can stop specific jobs?

Sir Hugh Orde: Yes.

Q98 Nicola Blackwood: Are you able to stop specific categories of jobs?

Sir Hugh Orde: You are, and that is exactly what the guidance I will forward to you says. It is on the website; it is an open document.

Chair: Give us an example.

Sir Hugh Orde: As I said, anything; for example, around licensing. The service is responsible for licensing. You cannot, for example, be a barman. You cannot work in licensed premises. I certainly would not approve someone, for example, being a minder outside a licensed club.

Q99 Nicola Blackwood: When we did our private investigators’ inquiry, we received evidence from Commander Peter Spindler who told the Committee that most forces had introduced the association’s policies but that in fact there were many forces who did not check whether police officers were working as private investigators or whether they were paying those private investigator companies for the services of those private investigators, so in effect whether they were paying their own police officers for services that they were providing as private investigators. Is that something that you would consider unacceptable?

Sir Hugh Orde: I cannot see how a person could have an approved job as a private investigator while being a serving police officer.

Nicola Blackwood: But if there are 23 forces that are not checking whether they are paying—

Sir Hugh Orde: It is a matter for those forces, frankly, to answer if they are not checking. I am not sure how many police forces employ private investigators. Frankly, I am not quite sure where this is going.

Q100 Chair: Would you write to us on this?

Sir Hugh Orde: I would be delighted to, Chairman. I think you will find the guidance helpful because it makes it absolutely explicit that there are certain categories of job that are incompatible with your role as a constable, which we all are with regards to rank.

Q101 Nicola Blackwood: The real question is how can you improve the uptake of the guidance? How long has the guidance been in existence?

Sir Hugh Orde: The guidance is relatively new. It was reissued to make sure we had absolute clarity. It is on the website.

Nicola Blackwood: When was it reissued?

Sir Hugh Orde: I cannot remember the exact date, and I do not have the actual copy with me, but I will send it to you and it will be on there.

Q102 Mr Clappison: I have no problem with the concept of second jobs as you described it and certainly not with the types of second jobs that have been mentioned, up to and including being a priest. I will take my text as, “Judge not that ye be not judged”, in the case of Members of Parliament, but on the question of private investigators—Nicola Blackwood’s question—can we take it then that per se it would be unacceptable for a police officer to be employed or in receipt of monies from a private investigator?

Sir Hugh Orde: I cannot see how a chief constable can authorise someone to be a private investigator, someone to be running licensed premises, someone to deploy their skills they obtained as a police officer in the training they got as a police officer as a registered private business interest. That is against the ACPO policy, period.

Q103 Mark Reckless: As I was more fortunate than ACPO in my remarks being taken forward to the *Mail on Sunday* article, can I give you the opportunity to speak to the point I raised which was police officers taking second jobs and obviously taking those second jobs subject to their shift pattern. Do you think there is an issue at all that because officers arrange their private lives, including any second jobs, around their expected shift pattern that makes it harder and puts at least some resistance to any change in a shift pattern that a chief constable might otherwise wish to push through?

Sir Hugh Orde: Anyone who applies for a second job has to categorically state this will not interfere with their primary role as a police officer, so I think the short answer to that is no. Of course not all police officers work shifts. If it comes to the tension between doing your primary duty as a police officer and a secondary employment, the secondary employment goes. You have to be able to appear for duty as and when the chief constable requires, as you are fully aware with your history. I do think that strikes me as something that would happen.

Q104 Mark Reckless: Are you sure that when chief constables are weighing up the pros and cons, the arguments of moving from one shift pattern to another, that it is never a consideration even against such a shift, that it might destabilise police officers’ other arrangements?

Sir Hugh Orde: Speaking personally, it would not affect my thinking one jot, and I think I can say with confidence that would apply to the chief constables I represent, but Simon being at the coalface is probably better placed than I am.

Simon Edens: Coincidentally, today in Leicestershire police we are introducing a new shift pattern that was subject to extensive consultation with officers themselves and their representative body, primarily the Police Federation. The Chief Constable, Mr Cole, introduced that new pattern in order to better match demand with the resources that we have to provide a

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policing service. I have no direct evidence to present to you today, but I have no doubt that individuals may have had as a consideration, “How will this affect my private life?” in its many forms. Officers and individuals will, of course, consider how it will affect them individually. However, the operational imperative—in balancing the needs of the individual officer against the need for us to provide a service—was what won out. We introduced a new pattern to make sure we had the right numbers on at the right time in the right place. That was the priority.

Q105 Mark Reckless: With that consultation process itself, does that not give an opportunity whereby officers who will be affected by perhaps not being able to continue with their previous second jobs can put in representations against a change in shift pattern? Should it not just be determined by the Chief Constable on the basis of operational needs rather than through this consultative negotiating process?

Simon Edens: There are many reasons why officers, because of their private life, may not want a particular pattern, for example child care is one of the biggest reasons for that. Embodied in the guidance is the principle that people have freedom, and that when they finish their shift or when they go home after a busy day at work or are off for a few days they have the freedom within the law to spend their time in the way they see fit, as long as it does not conflict with their role as a police officer, which the guidance reflects.

Q106 Michael Ellis: Sir Hugh, just taking a step back to professional standards, I appeared in court for 17 years as a barrister in criminal practice, and I doubt there were many cases where police officers did not give evidence of one sort or another. The fact is that many cases were lost or won, as the case may be, by the word of an officer over that of perhaps a lone civilian witness. These cases did arise frequently. Is it your position for the questions you have answered earlier that you believe that magistrates, judges, juries, the general public, should view police officers’ statements in exactly the same way as they view evidence from other members of the public, civilian members of the public? Is that your position?

Sir Hugh Orde: I do not think the law distinguishes.

Michael Ellis: The law does not.

Sir Hugh Orde: Every individual giving evidence should be rigorously tested which no doubt—I am not sure if you stood for prosecution or defence.

Michael Ellis: Both.

Sir Hugh Orde: I think that is right and I think that is the right place for it to take place. I also think it is right that officers who routinely give evidence become very experienced in it, their demeanour, their status and, frankly, their honesty in 99% of the cases can often be persuasive. I have no idea how juries reach their decisions. Some I have been very pleased with; some I have been rather disappointed with. That, of course, then is a matter for those to judge. I think it is right: however, it is simply a fact that if one looks over the last 10 years there has been a drop in confidence overall across the public sectors, not unique to policing. There is generally a far more

challenging environment. I do not think that is a bad thing.

Michael Ellis: No. You would encourage healthy scepticism?

Sir Hugh Orde: I would always encourage healthy scepticism, and I think the more rigorously the case is tested in the lower courts, the less likely you are to get an appeal in the higher courts; that is equally important. I think the public still trust their service. That is what the evidence tells us in opinion surveys. They have held up despite, as the Chairman rightly points out, a number of cases currently running, be they historic or more recent. It is not something we should give up. We should always lead the service on the integrity issue and be very direct about what is acceptable and what is not acceptable. That is what we would expect because this service survives on the trust and confidence of the public.

Michael Ellis: Exactly, Sir Hugh, and there will be always one or two bad apples.

Sir Hugh Orde: Indeed.

Michael Ellis: But your position, your case is that they do not spoil the whole barrel.

Sir Hugh Orde: It is not just my case: it is what other people who have looked at this quite recently, be it the IPCC or Lord Leveson, have said. They would say likewise. I have had experience working in some quite difficult territory—and one only has to look at what is going on this week in Northern Ireland, for example, where we have officers out on the front line. I guarantee the officers out there are not even thinking about their second jobs. They are thinking about keeping citizens safe in very difficult policing environments. I think that can be applied generally across the service that I have been involved in for some time.

Chair: Thank you. We know you have to go. We are most grateful. Thank you very much.

Sir Hugh Orde: Chairman, if I may just say by way of information, the revised policy issue has come out in the last six months, and I will make sure you get it in the very near future.

Chair: Thank you very much. We look forward to seeing you at the seminar on Monday. Thank you very much.

We have some questions about anti-social behaviour for you, Mr Edens, before we release you.

Q107 Michael Ellis: Deputy Chief Constable, as far as the anti-social behaviour issue is concerned there is a draft Bill, which, amongst other things, introduces two important new avenues where communities, local people, are involved in dealing or can be involved in dealing with anti-social behaviour in their own local communities. This is a departure from the centralising methods of before. One of those is the community trigger that allows communities to set a threshold where the authorities must respond. So local communities would be able to say after X number of incidents or Y type of incidents we would expect the authorities to respond. The other is a community remedy which allows the victims to suggest their own punishments for malefactors. These are two very important new avenues where communities can deal

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directly with the anti-social behaviour from which they may be suffering. Do you think, from a policing perspective, that officers will retain sufficient discretion in those circumstances and do you see that working satisfactorily? Clearly, in the same way that courts will produce different sentences for the same offence in different parts of the country, there may well be circumstances where there will be different results for the same type of offence in different parts of the country here. That happens already in the criminal courts, but do you see any policing problems?

Simon Edens: Thank you, Mr Chairman. Thank you, Mr Ellis. In broad terms we welcome both those provisions. The ACPO President's review has talked about accountability and we operate in a network of accountability within the democratic society. That is only right and proper. If I deal first of all with the community remedy; the provision in the draft Bill proposes that the elected PCC would draw up a menu of sanctions or measures that might be applied to someone who has not committed anti-social behaviour serious enough to go to court but should receive some form of sanction, some form of signal from the community that what they have done has broken the social code within that community. That sort of measure is already in place in many forces across the country.

About four or five years ago—on the back of a review by Sir Ronnie Flanagan—we rolled out measures to emphasise community resolution, and officers have more discretion than they had in the few years previously to identify the best outcome so that the solution does not cause a bigger problem than the original problem, and that has worked very effectively. While we welcome that proposal and we can see some benefits, for example, I personally have heard representations from magistrates who are concerned that there is not the necessary oversight or scrutiny around the process as it currently exists, so the new proposal would provide that oversight and scrutiny through the PCC.

We would be concerned if professional judgment and discretion was constrained too much—if, for example, we were policing by a menu as opposed to policing around the best outcome in a particular situation. We would look for consultation to draw up that menu to be as broad as possible; ensuring, for example, that minority communities and hard-to-reach groups are included in that consultation. That will be a matter for PCCs. We would also look for strength in the caveats that are currently in the proposals around situations whereby officers might want to step away from the menu; so, greater flexibility around using the menu.

Q108 Michael Ellis: You want as wide a discretion as possible.

Simon Edens: We want as wide a discretion as is appropriate, because we are dealing with people. We are dealing with sometimes messy human lives, and we cannot always prescribe that or constrain that. It would not be appropriate.

Q109 Chair: One final question from me, Mr Edens, but we will be writing to you again, because the

Committee is going to be doing pre-legislative scrutiny of this area, and I will bring in Dr Huppert, who has a supplementary. Do you think Leicestershire has learned the lessons of the Fiona Pilkington case and, if that was re-applied to the new law that is being proposed, the situation would be quite different?

Simon Edens: I think, in short, Leicestershire Police has made huge strides over the last five years at improving the way we respond to anti-social behaviour from an ACPO point of view, from a national point of view. We are very clear in the police service. People have a right to live their lives free from intimidation and harassment and anti-social behaviour represents a threat to people's quality of life.

Q110 Chair: That sounds very much like an inaugural address. In terms of the practicalities, Fiona Pilkington's life was put at risk because the police force failed to respond. Are you telling us now that, with these changes that are being made, people like Fiona Pilkington would have survived the ordeal of what happened to her?

Simon Edens: These changes are only a part of a wider programme around our response.

Chair: What more needs to be done then?

Simon Edens: The changes are important. If I can set out briefly why they are important and then put them in a wider context.

Chair: We accept they are important but, practically, how different would it have been?

Simon Edens: I think what this does is it streamlines and simplifies what is a very complex range of options, 19 different powers that are in current legislation. This reduces that to six. It gives us greater clarity. It brings in partners and cements them into the response, encourages us to work with partners with whom we perhaps had difficulties working with in the past.

Q111 Chair: With respect, I know you were not there at the time, but she kept ringing up the police and saying she was being harassed and the police did not respond. That is going to change under this, is it?

Simon Edens: The actual Bill itself does not offer those changes. What offers those changes is a much broader and much more effective response to antisocial behaviour with our partners through, for example, better case management. The issue that we learned in Leicestershire around the Fiona Pilkington case was that we needed to join up the dots within our own systems where we hold information and between our systems and partners' systems. We have invested very heavily in that over the last few years, as you know, Mr Chairman.

Chair: I think the Committee may want to come and have a look at it, because it sounds as if you have made a lot of improvements.

Q112 Dr Huppert: Just very briefly, can I ask about how the Anti-Social Behaviour Bill will interact with under-18s; whether you think the provisions should be different for under-18s compared to over-18s? I note, for example, the new injunction for nuisance and annoyance is an injunction that applies to anybody

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who is 10 or over, which the previous crime prevention injunctions did not. Do you think that is appropriate? Do you think there should be a different treatment for under-18s that, for example, would focus more on the role of youth offending teams and holistic approaches to try to reduce bad behaviour?

Simon Edens: In short, yes, I do believe there should be separate provisions, but the provisions are catered for in the draft Bill and catered for very well. I think there is a wider issue, however, around the risk of criminalising young people. For some people anti-social behaviour amounts to kids hanging around a street corner. In some cases that can be very

intimidating, but in other cases the kids themselves are intimidated, and that is why they are hanging around the street corner where, for example, they have safety in numbers or they have street lights or shop-fronts that offer them added security. I would be concerned on behalf of the service about the effects that the inappropriate use of some of this legislation may have on young people and their future prospects.

Chair: We will write to you, Mr Edens, and we will also come and see the work that you are doing. Thank you very much for coming and we will obviously talk to you while we do the scrutiny of this Bill. We are very grateful, thank you.

Examination of Witness

Witness: **Sir Bernard Hogan-Howe QPM**, Metropolitan Police Commissioner, gave evidence.

Chair: Sir Bernard, thank you very much for coming to give evidence to us today. We are most grateful to you for coming in. Whenever we have asked you to come in you have appeared very quickly and very properly and we are most grateful. Can I also, on behalf of the Committee, congratulate you most warmly on the knighthood received in the new year honours? It was fully deserved for the work you have done in other police forces and indeed in the Metropolitan Police. I looked at the Metropolitan Police website, as I do from time to time, and I saw the tribute that you made to all the colleagues that you have worked with and indeed your wife and you mentioned your mum, who would have been very proud of what you have achieved.

Sir Bernard Hogan-Howe: Yes, Chair, thank you and if it is the only kind word I hear today, then I appreciate the gesture. Thank you very much.

Q113 Chair: I hope the Select Committee will always be kind to commissioners, though we may be robust in our questioning. There will be a number of other issues that we may wish to raise at the end, but if I may I would like to start, Sir Bernard, with the circumstances surrounding the Andrew Mitchell affair, which we will call “the Andrew Mitchell issue”. I know that the press have various different names for it, but that is the name that we wish to use. Why do we want to raise it with you? It is not just a village story. It is an issue of integrity and the confidence of the police, and we know that you have initiated an inquiry under Pat Gallan, which is at the moment still operating. We do not wish to intrude on that inquiry, nor do we wish to ask you about that inquiry.

All we are concerned with today is what you said and what you did and what the Metropolitan Police did before the inquiry began, so you can clarify how we got to this point. You were very clear when you spoke to Victoria Derbyshire on 21 November. To quote your words, you were 100% behind your police officers, and you said, “They had no reason to lie. All the evidence I saw led me to think it”—the log—“was accurate. I believe my officers”, then to a position where you made a statement on 23 December when you said that there would be a ruthless search for the

truth: “It is vital that we get the truth in order to maintain public confidence in the police”. We are interested in what happened and what you did between having full confidence in the officers and the log and then your ruthless search for the truth. That is what we are concerned with.

First of all, do you have anything to say about the way in which either you or the police handled this issue, either in respect of the work that you have done so far or anything that you would like to say concerning Mr Mitchell?

Sir Bernard Hogan-Howe: Only to say in response to the two or maybe three comments I made publicly about this case—because certainly in the beginning I tried to involve getting involved in what I thought was an important issue but not one for a commissioner to comment on after the initial incident—is that when I commented on the Victoria Derbyshire show of course then Mr Mitchell had resigned. He had apologised to the officers about some of what had been alleged, and as far as I knew there was no reason for me to doubt what had happened.

I accepted his apology, or the officer accepted his apology, as we do generally and that was trying to draw a line under that, although I often get challenged in front of my own officers about whether or not we—the Met and I, the Commissioner—will stand up for them and say clearly that we support them. It was in that leadership role that I was speaking at the time, just following on from the fact that we had no complaint about the officer’s behaviour but, of course, an inquiry of some kind had taken place by the Cabinet Secretary about the allegations that had become public, the leak that became public, about Mr Mitchell’s behaviour at the gate on that day. We had no inquiry on which for me to base my comments to Victoria Derbyshire, and I had not had access, obviously, to Sir Jeremy Heywood’s account.

Q114 Chair: But you said “all the evidence that I saw”. What evidence did you see? You clearly did not see the police log.

Sir Bernard Hogan-Howe: Certainly, I had not seen the log.

Chair: You did not see the CCTV?

Sir Bernard Hogan-Howe: I can't remember exactly, but we can always inform you later. Certainly, I had not seen the CCTV. The only thing I think I had seen by then was a report on what our officers had said broadly.

Chair: You had not seen any evidence?

Sir Bernard Hogan-Howe: That is what I was saying. I had just seen a report that included—

Chair: But that is not evidence, is it?

Sir Bernard Hogan-Howe: Sorry, a report about the evidence that had been talked about from the individual officers, but we had not had an inquiry. I could hardly look at all the evidence and, in any case, as a commissioner you would not look in great detail about any investigation of 800,000 crimes or any other allegations that are looked at each year.

Q115 Chair: Do you therefore accept that there was too much of a rush to judgment? We understand your leadership position—and I suppose all of us are in the same position, even though the organisations that we lead are much smaller than yours—that if something is alleged against your officers you stand by your officer, but here we had a situation where officers guarding the Prime Minister's home—a log-book that was supposed to record who was going in and out and what was being said was being put up to verify the statement of an officer that subsequently, of course, as we know because somebody has been arrested, turns out to be untrue. Do you accept that that original evidence that you received has subsequently turned out to be untrue? Otherwise why have you initiated another inquiry?

Sir Bernard Hogan-Howe: There is an inquiry going on that, as you said at the beginning, is rather difficult for me to comment on. I do not think it has yet been proved that the original log was untrue. I think the allegation is that an email received by the deputy Chief Whip appears, on the allegation, to be inaccurate. That is the thing I think that has been particularly challenged, but, in terms of the original account, we had no complaint from Mr Mitchell about the officer's behaviour—in fact at the time he had apologised—so we had nothing to investigate because, of course, the Government were concerned about the behaviour of the Chief Whip on the basis of a leak to a newspaper, the source of which is yet to be determined.

Q116 Chair: Were you not even concerned about that leak? Of course, on the very next day the entire log—and I know you are very tough on the issue of confidentiality—appeared in the *Daily Telegraph*.

Sir Bernard Hogan-Howe: That is right. What we have initiated is a leak inquiry into whether or not the police are the source of that leak. That is yet to prove who that leaker is, but that was the inquiry that we had started.

Q117 Chair: But you are the Commissioner, you are the most experienced police officer in the country, in my view. How do you think it got from Downing Street to the front page of the *Telegraph* if the only people who had access to this log were police

officers? How would it have got into the hands of journalists?

Sir Bernard Hogan-Howe: First of all, one of the things that the leak inquiry has tried to establish—and is now being looked at again as a consequence of this further email—is what exactly was the source of the information that appeared in the newspapers. Was it the police log? Was it an account of the police log and, if so, who had access to the log and who might have given an account? Even now we are still not sure exactly whether the police log, which is clearly a potential source of the information, is the only source and, if so, who gave that to the press or, alternatively, if it is an individual who was aware of the log or its contents or the events of the day and then passed those on. Those are the things that our leak inquiry is trying to establish.

Q118 Chair: I fully appreciate that you cannot look into every single incident, but you will know that this was in the newspapers for 33 continuous days. You also know that these are the police officers who protect the Prime Minister. This is where the Prime Minister lives. You also knew that this was a member of the Cabinet. Did you not think of asking Jeremy Heywood, the Cabinet Secretary, to provide you with a copy of the CCTV? Is this not a basic policing instinct? What I find extraordinary is that Michael Crick, who as far as I understand has not been through Bramshill, was able to get all the information together but you and many other senior officers just failed to do so. Is there no regret over the way this has been handled?

You seem to be accepting that, “On 21 November I saw the evidence. I stand by my officers”. You then said on 18 December to LBC, “I do not think, in terms of what I have heard up to now, that it has affected the original account of the officers at the scene. There is more to this than meets the eye. I hope that when people hear the full story they will support what we have done”, basically again supporting your officers. Then on 23 December, when it turns out that one of the diplomatic protection officers was apparently masquerading as a member of the public, you then have a ruthless search for the truth. You do not seem to have any regret over anything that has happened over the last few weeks.

Sir Bernard Hogan-Howe: Chair, if you do not mind, you have run a few things together there, and I think they are worth unpicking individually. If you look at the comments on the *Nick Ferrari Show*, if you remember what happened at the time was—

Chair: Is that 18 December, Nick Ferrari?

Sir Bernard Hogan-Howe: Yes, I believe that is right. If you remember, what happened at the time was we had received the email from the Cabinet Secretary. I think it was on the Thursday, which would be 13 December, and on 15 December we had arrested an officer on suspicion of misconduct in a public office. By the Monday morning, the story that was running in three newspapers, including one of the columnists, was we were the big bad wolves, the police, for arresting one of our own officers for being a whistleblower. This officer had whistle-blown on a member of the Cabinet who had badly treated a police officer.

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Why were we, the police, arresting our own for that whistle-blowing incident? On that day, I probably concentrated too much on that aspect because I was trying to explain, although the leaking of information had been one of the reasons that officer was arrested on the Saturday, it was not the fundamental concern we had. Of course, what we discovered was that the author of the email appears to have been a police officer and the content of the email appears to be in dispute by other things. That was the major issue I was trying to concentrate on the *Nick Ferrari Show*, but, of course, in trying to explain what I just have, some of this information that is now public knowledge was not public knowledge on that Monday.

Q119 Chair: Sir Bernard, this is a 60-second incident in Downing Street. You now have 30 detectives on this who have taken upwards of 800 statements. Even John Tully from the Police Federation, who was originally calling for Mr Mitchell to go, is questioning the number of people involved in this. Are you still telling this Committee that you stand by the officer's version of the events as you did before, or do you now have a little bit of an open mind, bearing in mind you do not know what happened?

Sir Bernard Hogan-Howe: In relation to that, what I have said very clearly is that I do have an open mind and if any of my comments on that Monday—and I distinguish those from the Victoria Derbyshire comments a couple of months ago now—have left anybody with a view that I do not have an open mind, then I am sorry about that, but the bottom line is that I think people should judge me and others by our actions rather than by those few words in a quite wide-ranging interview on that Monday.

Chair: You still have an open mind?

Sir Bernard Hogan-Howe: Just to point out, as I say, the thing I probably concentrated on a little too much on that day was the concern that we had arrested a whistle-blower who was an innocent member of our organisation who was merely trying to relay to the public inappropriate behaviour on behalf of a Cabinet Minister, when in fact the allegation now is that that person was not at the event, concocted an email and misled quite a few people and we need to understand why that happened.

Chair: Exactly.

Sir Bernard Hogan-Howe: That is what I concentrated on. In terms of our overall inquiry, I am open-minded. Anybody who knows me will know that I will pursue the evidence. I think the best evidence that you have that in fact I am taking that very seriously, if you do not know, we have a deputy assistant chief commissioner, a deputy chief constable in any other organisation, who will lead the inquiry. That is what is happening. She is very good. She led the Reece Jones murder inquiry, which people will know from Merseyside was very successful. She does have a team of 30 detectives; not every day because we do not need 30 detectives every day. I think yesterday there were 12 on it. It will flex and we will change it as necessary. Within 48 hours of receiving the information that was very significant in terms of the email we arrested one of our own officers. Within

a further few days we arrested one of their relations because of our concerns about what happened.

Q120 Chair: Before I bring in Mr Clappison, are you deeply disappointed, upset or surprised that a serving officer in your force should concoct an email, as you have just said?

Sir Bernard Hogan-Howe: If I said that I will correct myself because, of course, this is an ongoing criminal investigation.

Chair: If it was true, it would be totally unacceptable?

Sir Bernard Hogan-Howe: Yes, if it was proved to be true. If the allegation was proved to be true it would be a very serious matter because I do not expect police officers to lie and I do not expect them to concoct information, but I do have to be very careful for two reasons. As you said, whether or not I personally, or we collectively, had too much of a look at the evidence, I sit at the top not only of the Metropolitan Police in terms of our criminal investigations but also on top of our misconduct inquiries, and at various points down that chain there are decisions to be made about whether misconduct charges are laid and whether appeals are heard. We have to be careful sometimes when sitting on top of the organisation that we maintain that impartiality for the public as well as for the officers.

Q121 Chair: Which you did not do, did you? What you should have said was, "We have some fine police officers in London. I do not know the facts, and the facts need to be established. Once we have established the facts then we will be able to say something". What you said was, "I stand by my officers 100%". That is pretty accurate, and it is pretty absolute.

Sir Bernard Hogan-Howe: That is not quite right. That is what I said in relation to Victoria Derbyshire's question after Andrew Mitchell had resigned and after he had apologised for his behaviour in Downing Street on that night, and even at that stage he was not complaining about the behaviour of the officers, formally, nor was he fundamentally challenging their account. I gave my account as best I could in a broad response to Victoria Derbyshire.

By the time we came to the Monday after we had received the email, which we had not seen until the previous Thursday, then I tried to explain that we had not arrested a whistle-blower. I agree that in responding on the Monday I probably should have taken more care and said, "I am very open-minded about what this now tells us". I think I probably took too little time to respond to the specific question, and I responded too much on the email, but, of course, the indication was there may be a wider conspiracy that we would have to respond to.

Q122 Chair: Basically what you are telling the Committee is because Andrew Mitchell had resigned you thought that was the end of the matter and, therefore, you made these comments assuming that he was at fault rather than anyone else?

Sir Bernard Hogan-Howe: Certainly I was unaware entirely of the email, and we had not, as I have already said, looked at the CCTV.

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Q123 Chair: Do you regret that now? Do you wish you had?

Sir Bernard Hogan-Howe: No, I do not think so, because the difficulty we have is that the inquiry initially was about Mr Mitchell's behaviour, not about the officer's. I think at that time it was entirely appropriate that the Cabinet Secretary inquired into that information. If we start trying to run a parallel inquiry, there are some significant risks that both of us overlap, and I would also have to explain to our own officers why we are investigating officers about whom there is no complaint. I understand why the question is being asked but we did try to deal with it as thoroughly as we could at the time. Mr Mitchell seemed to accept it. That obviously was not the case after the email came to light, and I say that on the Monday after that email came to light I could have taken more care in the words I used and I accept that entirely, but I hope the Committee will accept that in the thoroughness of our investigation to date, supervised by the Independent Police Complaints Commission, we have been very thorough and we continue to be thorough to get to the bottom of this case.

Q124 Chair: Just to clarify before Mr Clappison comes in, did you ask for the email or was the email sent to you by John Randall at Number 10? Did you say, "Could we have this email?"

Sir Bernard Hogan-Howe: No, we did not know about it. I would have to reply to the Committee at some point about the date on which we discovered the email, but certainly at the point at which I talked to Victoria Derbyshire we were completely unaware of it.

Chair: You did not have the detail. I accept that, but did you ask for the email, or was it sent to you?

Sir Bernard Hogan-Howe: We did not ask for it when we were first told about it because we did not know the content of it, and eventually it was sent to us.

Q125 Chair: By whom?

Sir Bernard Hogan-Howe: That was sent by Sir Jeremy Heywood.

Q126 Mr Clappison: Can I welcome what you have said about seeking a ruthless inquiry to get to the bottom of this and the importance that you are now attaching to the seriousness of the integrity of guarding Downing Street and the sensitivity of it—it is probably one of the most secure places to guard in the country—and the very serious nature of the background to this. Can I ask you on your comments that the Chairman has put to you about standing by the account of the officers at the gate, which I think in the course of television interviews and radio interviews you said a number of times up to 18 December. Had you seen the CCTV footage at that stage?

Sir Bernard Hogan-Howe: This is when I was talking to Victoria Derbyshire?

Mr Clappison: Up to 18 December, because you quoted 18 December as giving of the BBC interview in which you stood by the original account of the officers and you said, "I do not think from what I

have heard up to now that it has really affected the original account".

Sir Bernard Hogan-Howe: I had not.

Q127 Mr Clappison: You had not. You have seen the CCTV now?

Sir Bernard Hogan-Howe: I have seen that material that is in the public domain.

Q128 Mr Clappison: You have seen the material in the public domain from the CCTV pictures of Downing Street. If those CCTV pictures are correct and of the correct time, it is very hard to reconcile them with the log, is it not?

Sir Bernard Hogan-Howe: As I said right from the beginning, and I am going to have to hold to this, in terms of a criminal investigation and in terms of any misconduct inquiry, for me to start making pronouncements on the validity or otherwise of certain publicly available material is quite inappropriate. I do not think it is fair on the officers, and I do not think it is fair on Mr Mitchell. I have already heard your concerns expressed, which is that if I express an opinion without seeing all the evidence then it is difficult. To only have a partial account of the evidence without having a full inquiry, which is exactly what we are embarked on—and the Independent Police Complaints Commission will decide whether that is a thorough investigation or not—I do not think it is fair to expect me to hold accounts of part of the evidence.

Q129 Mr Clappison: I appreciate that, but you were prepared to say that when you said on 18 December about standing by the officer's account. The question I am putting to you is that there is an opportunity to revisit that. On the basis of the police log, which is in the public domain, and on the basis of the CCTV it is very hard to reconcile the two accounts because the police log speaks about members of the public being there visibly shocked and taken aback by the language, whereas the CCTV quite simply does not show that and only shows one person walking up and down in a desultory fashion. The two cannot be married up, can they?

Sir Bernard Hogan-Howe: The only thing I am prepared to say, as I have said right from the beginning privately—although publicly I accept there are comments that you are now asking me questions about—I am entirely open-minded about what happened here. That is entirely as an investigator should approach this and that is what we are doing. I am not going to pick pieces of the evidence and try to compare it and then try to come up with an account. It would not be fair on the investigators, it would not be fair on the officers and I think it would not be fair on me or the Independent Police Complaints Commission who are now supervising this inquiry and will presumably want to confront the very questions that you are addressing to me.

Q130 Mr Clappison: You have seen the police log as well, I think. I can only go on the reports that I have seen in the press, which the House Library has very helpfully provided me with. I think there was a

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suggestion in what you said to the Chairman as to whether or not that was an accurate account. It looks like a police log to me. Can you confirm that the account that was in the newspapers, particularly in the *Daily Telegraph*, is indeed the police log?

Sir Bernard Hogan-Howe: I am sorry, Chair. You can keep asking about a particular piece of information. I agreed to come to this Committee with the constraints that are around me around a criminal investigation that is ongoing and with a misconduct investigation that is ongoing. I am sorry, but I am not able to start commenting on an individual piece of evidence.

Mr Clappison: That is not relevant to a criminal investigation. It is a question of fact whether this is simply the same police log or not.

Sir Bernard Hogan-Howe: I am sorry, that is not true, and there are different aspects to this investigation. I have already said an investigation has started about the leak, part of which you are now referring to in terms of the newspaper accounts. There is an investigation about the behaviour at Downing Street on the day of the event. There is an investigation into what happened between then and the email that was sent, and what happened subsequent to that. It is very difficult to discriminate between certain parts of it that appear entirely unconnected to the rest, but in my view they are entirely connected and I am afraid I cannot just dictate little parts of it and then give you a comment about whether that looks right or wrong.

Q131 Mr Clappison: I am not asking about the inquiries that were held, least of all am I asking you to reach a judgment on the inquiry, I am simply asking you as a question of fact—as you did cast doubts on this, I think, in your answer to the Chairman—is it the same log as appeared in the *Daily Telegraph*?

Sir Bernard Hogan-Howe: I didn't cast doubt on it. I can't remember exactly the question now. I was merely trying to make the point in response to a question—I think I was being asked about the source of the leak. The point I was making is that one of the things the investigators will have to establish is: was the police log the source of the leak as an original document, or was it someone's account of it? That is the point. I am not saying anything other than there are various options for describing how that leak came into the public domain. That is entirely what the investigators are trying to substantiate.

Mr Clappison: I am not asking you a question about how it came into the public domain. I am just asking simply is it the same log. It is a simple question of fact.

Sir Bernard Hogan-Howe: I am saying that I am not prepared to comment on an individual piece of evidence.

Q132 Mr Clappison: Are you looking at the question of the security of the log in Downing Street in general terms?

Sir Bernard Hogan-Howe: When you say "security of the log", what do you mean?

Mr Clappison: As I understand it, the log at Downing Street is confidential, and I would not ask you for anything about confidential operational matters in the police, but I think I can legitimately ask you questions

as to the security of that and whether you are concerned about the security of it in the light of what has taken place.

Sir Bernard Hogan-Howe: One of the reasons I am choosing to be careful about answering the questions that you are putting is that what is being described as a log may not be a log. It could be an email. It could be many things, and depending on what you are asking me about depends on the answer to your question. I realise it must be frustrating for the Committee, as it must be for individual members, but this is one of the dangers of having a public inquiry obviously and this type of questioning about an ongoing investigation where, frankly, other witnesses will be listening to what I say and the way in which I say it.

Q133 Chair: Sir Bernard, I think what Mr Clappison is trying to do is just look at what you did and the decisions that you made rather than what Pat Gellan is doing. All he is trying to establish, and I think you have told us, is: was what we saw on the front of the *Daily Telegraph* a log? That is not an issue of evidence. Do you know that that was the log or do you not know, or do you think it is best not to say anything until you know?

Sir Bernard Hogan-Howe: We do not know for certain yet, and that is why I am being careful. I know it is unhelpful, but I am doing my best to remain impartial about the thing I have been accused of being partial about in the past.

Chair: You are not being partial at all. You are being extremely helpful, and we are very grateful for what you are telling this Committee. It is assisting us in getting to the sequence of events. It is because of the comments that you made on 23 December. It is about full confidence in the police. That is why we are involved in this: because we are doing an inquiry into leadership within the police.

Q134 Mr Winnick: Sir Bernard, what is not in dispute, so far as I understand the position, is that Mr Mitchell, the Chief Whip at the time, swore at a police officer—that is not in dispute—and that he apologised afterwards. Is that disputed?

Mark Reckless: Yes.

Mr Winnick: But he has apologised for swearing, so I do not see where—

Chair: Sorry, could I just remind colleagues that Sir Bernard is the witness, and Mr Winnick is asking the questions. It is very helpful to have other Members of the Committee answering for Sir Bernard, but I think we must allow Mr Winnick to finish his question and the commissioner to give an answer, whatever that answer is.

Mr Winnick: Sir Bernard, perhaps I will put the question again. Is it in dispute that Mr Mitchell swore at a police officer and afterwards apologised?

Sir Bernard Hogan-Howe: My understanding from the same information that probably members of the Committee have through the public domain is that Mr Mitchell, I believe, accepts that he swore at some point in the conversation, although I think he contests that he swore at the officers. I think he says he swore when the officers were there. That is the distinction

he makes, which may account for some of the reaction perhaps that people have had.

Q135 Mr Winnick: Yes. As regards the incident that brought this about—again, I do not think this is in dispute, but perhaps my colleagues disagree—the incident which led to what you just stated is because the police officer on duty did not open the main gate when Mr Mitchell was cycling, or trying to cycle, out of Downing Street, is that correct?

Sir Bernard Hogan-Howe: That is correct.

Q136 Mr Winnick: In the circumstances, as far as you understand the situation in Downing Street, was the police officer right to take the action that was taken, in other words to say to Mr Mitchell, “No, use the side door”?

Sir Bernard Hogan-Howe: I am not going to be pretentious about this but if I am going to be straight with Mr Clappison about saying I will not go into detail, if you do not mind me just answering in broad policy terms over how we deal with the security at that gate. Generally, we try to keep that gate closed for obvious reasons of security at Downing Street. Access is allowed by vehicle. There are certain restrictions that people have seen as they have wandered in and out of there or have just walked past. Generally, we try to stop pedestrians, and cyclists we ask to go through the foot gate because the wider the gate is opened the more access allowed so therefore if you have to open the gate—particularly if there is not a vehicle in situ—then it means that there can be a problem. The reason for the general policy is to restrict access by the gate only to vehicles and to make sure that other people travel through the foot gate.

Q137 Mr Winnick: Sir Bernard, I want to ask you this question. Should there be a distinction between one individual and another? If that is the policy, would it make any difference if it is the Prime Minister on a bicycle, the Mayor of London, Mr Mitchell—being the Chief Whip—or people working in junior positions in Downing Street at No. 10 or No. 11? Should there be any distinction when the police decide, according to the policy which you have described, whether to open the main gate or the side door when the people involved are on a bicycle?

Sir Bernard Hogan-Howe: In broad terms, if the policy is that it should not open for a pedal cycle, then presumably no one should get through, but I do not think I can sit before you and say it has never happened because I am sure there have been quiet times when it will. There may have been individual officers who have not followed the policy, but that is the policy, and that is what should happen.

Q138 Mr Winnick: But this should apply to all without distinction?

Sir Bernard Hogan-Howe: Yes. Unless there are some circumstances at the time that you have—I mean, if the gate is jammed, I suppose you have to come to conclusions that you have to decide what you have to do at the time.

Q139 Mr Winnick: In circumstances where a person refuses to accept the police decision or makes a long argument about it, would the police officer on duty, or the police officers, plural, on duty be able to arrest the person regardless of rank?

Sir Bernard Hogan-Howe: For merely not agreeing with the officer’s direction? For just not doing as they were asked to do, you mean?

Q140 Mr Winnick: What I am asking is that if an individual, be it the Chief Whip or anyone else for that matter, junior or senior in position, refuses to do what the police officers ask that person to do, can that person regardless of rank be arrested?

Sir Bernard Hogan-Howe: It is not a criminal offence to fail to follow that advice—in short, no, without any aggravating factors. The worst that would happen is presumably the gate does not open.

Q141 Mr Winnick: If a person of whatever rank swears persistently, which is denied, but in fact was the position, would that be a cause for arrest?

Sir Bernard Hogan-Howe: It depends. As I say, I will not go into detail of the day, but police officers every day of the week, more in the evening than during the day, get sworn at. It is not unusual. Often when you are dealing on a Friday and Saturday night with people who have been drinking that is the broad challenge that we face. What usually happens is that you ask the person to stop and most people do. People still do respect the police, and they will do as they are asked.

Mr Winnick: If they do not?

Sir Bernard Hogan-Howe: They run the risk of being arrested. It is not an absolute thing. You do not arrest everybody. Often what happens is that somebody that is with them will take them home if they have any sense. You make your best efforts to make sure that you are not going to have to arrest, unless of course you know you have a repeat offender and then you probably have to deal with them a different way. On the whole, officers use their discretion; that is my broad point.

Chair: Thank you, Sir Bernard; that is very helpful.

Q142 Nicola Blackwood: I just wanted to follow up on some of your answers to Mr Clappison and to the Chairman. You said earlier on in your answers that initially there were no concerns about the behaviour of the police in this incident because the complaint was about a Cabinet Minister, but surely by the time you got to 24 September when the police log or something very like it had appeared in the *Daily Telegraph* there must have been some concerns potentially about the behaviour of the police in your mind, and did you not want to investigate that?

Sir Bernard Hogan-Howe: Do you mean in terms of the leak of the information?

Nicola Blackwood: Yes, exactly. That aspect of the incident: was that not a concern to you in terms of police behaviour?

Sir Bernard Hogan-Howe: It was, which is why we started an investigation into that leak.

Q143 Nicola Blackwood: At what point?

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Sir Bernard Hogan-Howe: Very quickly after it appeared in the newspaper.

Nicola Blackwood: What date?

Sir Bernard Hogan-Howe: I cannot remember offhand, but we could find out for you.

Nicola Blackwood: That would be very helpful.

Sir Bernard Hogan-Howe: It would be quickly after the event, because we then know the potential—

Nicola Blackwood: I thought that you advised that it had been with Jeremy Heywood?

Sir Bernard Hogan-Howe: No, the investigation if you remember at the time was that Mr Mitchell's behaviour had not been appropriate as a result of the leak. Sir Jeremy was looking at the behaviour of the Cabinet Minister and whether or not he could reassure the Prime Minister about that. Our concern was had there been a potential leak of police information, log or otherwise, from us. Other people had that information, but obviously that was a concern for us as opposed to what happened at the gate on the day. That is the only distinction I was trying to draw.

Q144 Chair: I spoke to Sir Jeremy today, and he confirmed his involvement was very narrow. It was merely concerned with the conduct of the Cabinet Minister at the request of the Prime Minister. He did not look at the CCTV. He did not look at other issues. It was a very narrow search.

Sir Bernard Hogan-Howe: People may think perhaps we should have done more and yes, we could always have a look at that. But, at the time, Mr Mitchell did not make a formal police complaint. He did not complain to me; he did not complain to anybody. He may have done eventually, I do not know, but, of course, the leak may have overtaken him as it did others.

Q145 Michael Ellis: Can we just look, Commissioner, at one or two of these points? I have seen reports in the public domain that officers at the gate had opened the gate already several times for Mr Mitchell, but it was only on the last occasion where there was a refusal to open the gate. Because obviously Mr Mitchell was rather busy. His office is at No. 9, and he had been coming in and out several times during the course of the day. This is according to public reports. I have seen nothing confidential. Would you say that is inconsistent? Why would they have opened the gate several times and then refuse to open it on the last occasion? Would you say that bears looking into?

Sir Bernard Hogan-Howe: It does, and one of the things that the inquiry is looking at is—bearing in mind Mr Winnick's comment—how exactly this policy has been operating in the past either for Mr Mitchell or for others. One of the things I wanted to convince myself of is: was this a one-off event? I don't know what the outcome of that is going to be, but I did say this to Mr Winnick: I can almost guarantee that over the 20 or 30 years the gates have been there—I do not know how long it is—the policy will not have been followed every day and there will be occasions when it has been opened or not. The reasons for that are difficult for me to establish at this point.

Q146 Michael Ellis: Of course it is right that officers should be able to use their discretion. The other thing I wanted to ask you is, it is not a criminal offence, is it, to swear in the presence of a police officer? There is a rather important difference between swearing at a police officer, using threatening, abusive or insulting words or behaviour or disorderly behaviour, which is an offence and has been for many years and rightly so, and swearing in the presence of a police officer, in other words not directly at the officer: that would not be a criminal offence, would it?

Sir Bernard Hogan-Howe: If that was the case, then that would be true.

Q147 Michael Ellis: I am talking in the generality at the moment rather than in the specific. There has been some activity, or there was certainly some activity, by the Police Federation and I would like to ask you about that now, if I may. Mr Mitchell's record of his meeting with the Police Federation in the West Midlands seems to suggest that officers may have exaggerated his unwillingness to offer a version of events. The Federation have announced an internal review, so clearly I think we can assume that the Federation take the matter seriously. Do you believe the Police Federation has overstepped the mark in terms of its political involvement in this incident? Some have described what happened as not much short of bloodlust. I have heard it described in the media as bloodlust. The Chairman referred to 33 days, and there are conflicts around the world that are not in the newspapers 33 consecutive days in a row. This incident was treated in a particularly acute way; do you think police officers were involved in that bloodlust?

Sir Bernard Hogan-Howe: First of all, just in terms of point you made about the Federation's review, and people of the public may not understand this but of course there is a national Federation then each of the forces has their own. My understanding is that the national Federation's new secretary, or chair, may decide to have a review to decide about the relationship between the national body and the local, so I think there is some concern about how that is managed in this particular set of circumstances. Certainly my concern would be from some of the public statements of the Federation representatives is that they seemed to get involved in—I think they explicitly got involved in—asking for the resignation of a member of the Government, and, for me, I think that is too much. That is a decision for a Government to make or a Prime Minister to make and for police officers to get involved in. If that is a concern, others will draw that conclusion.

Q148 Michael Ellis: You think that the conduct of the Police Federation in this case was improper?

Sir Bernard Hogan-Howe: Those are your words, and I think I will stick with mine, which is that I think it is not for the Police Federation or police officers generally to call for the resignation of members of the Government.

Michael Ellis: Thank you.

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Q149 Lorraine Fullbrook: Sir Bernard, before I go on to my main question I would just like to ask a supplementary to Mr Clappison's. I think you did say earlier that you were not sure whether the leaked log that turned up in the *Daily Telegraph* was the actual log or a copy of the log. We have a copy of the leaked log which turned up in the *Daily Telegraph* and it finishes with the words, "I have recorded this fully in my pocket book". Without getting into the detail of the investigation, in that strand of the investigation, we have here less than one half of an A4 page, which was the leaked log to the *Daily Telegraph*. How long would you expect one of your investigating officers to take to compare the *Daily Telegraph* leaked log, the actual leaked log, or the actual police log, and the pocket book? How long would somebody take to compare less than half an A4 piece of paper?

Sir Bernard Hogan-Howe: That should not take too long.

Lorraine Fullbrook: Or three?

Sir Bernard Hogan-Howe: That should not take too long.

Lorraine Fullbrook: How long do you think?

Sir Bernard Hogan-Howe: I do not know. I am not going to guess. I mean, hours, minutes.

Q150 Lorraine Fullbrook: You should have the answer by now, should you not?

Sir Bernard Hogan-Howe: I am sure that the investigators do, but, as I have said already, I do not intend to reveal the detailed investigation here. I do not have all the detail. One of the things I have been challenged about is people have some concerns about my public comments, how much detail do I get involved in? They have to be left to investigate this matter, and, frustrating as it is for all of us, I am afraid that that is where I have to rest.

Q151 Lorraine Fullbrook: On that strand of the investigation I reckon I could do that in about three minutes comparing those three pieces of paper. Given that, why do you think it is necessary to have 30 officers investigating this case and interviewing 800 SO6 officers, and asking each of them to sign a document of what they have been told and what they have heard?

Sir Bernard Hogan-Howe: There are two contradictory things there, aren't there? What you are juxtaposing is, as you say, a few minutes' comparison with the interview of, if you believe it is a good thing to do, 800 police officers. It would take a significant number of officers a significant amount of time to conduct those interviews and take statements. The reason that there are a significant number of officers is twofold. This is not the only inquiry we have into public complaints about police misconduct; it could have fallen further down the priority list.

Lorraine Fullbrook: But on this investigation—

Sir Bernard Hogan-Howe: If we had left it to just the normal flow of things, it would probably have ended up with fewer officers taking more time to come to a conclusion on what this Committee has concluded is something of significant public interest. The reason we put more officers onto it was to make sure they could conclude things as quickly as possible. Moving

onto the second issue, which is whether or not they should interview 800 people, then, as I have said already to Mr Clappison and I have to repeat to you, I am not going to try to comment on their ongoing investigation, but of course one of the things that we have to establish here is who knew what at the time. The Prime Minister has already said, as have other people, this is a very serious matter, and we want to get to the bottom of it. If we had chosen not to talk to all the officers involved in that department, of which these are the majority, people might say, "Well, what was publicly known? Did the only information come from the log?" The investigators have to be very clear about two things. First, who said what to whom? Secondly, if at a later time an officer was to change their view or their account of what happened, we would then refer back to our initial account which is where the statement comes in. I think the broad answer I can give you is in any investigation at the beginning you try to capture the evidence and you try to capture what you believe to be the truth—and I know that what this inquiry is trying to do is talk to as many witnesses as possible as quickly as possible to establish the truth—and if later more information comes up we will check the account we first took with the one that was later discovered.

Q152 Lorraine Fullbrook: I would like to talk about the IPCC running the supervised investigation of the inquiry into the veracity of the account of the officer who claimed to be a witness.

Sir Bernard Hogan-Howe: Sorry, just to be clear, this is the original officer who—

Lorraine Fullbrook: This is the IPCC running a supervised investigation into the inquiry of the inquiry into the veracity of the account of the officer who claimed to be a witness, i.e. the person outside the gate, the tourist who was with his nephew from Hong Kong, I believe.

Sir Bernard Hogan-Howe: I think that is the emailer.

Q153 Lorraine Fullbrook: This means that the IPCC supervising this investigation means that the Met's own professional standards department will run the inquiry and the IPCC will set the terms of reference and receive the investigation report when it is complete. Do you acknowledge that there are concerns that the Met was conducting its own inquiry into this matter and how are you ensuring maximum transparency?

Sir Bernard Hogan-Howe: There are two ways, and I will come back to the options we had right at the beginning.

Lorraine Fullbrook: It is a bit like putting the fox in charge of the hen house.

Sir Bernard Hogan-Howe: You may consider that. I hope to convince you that that is not the case. First of all, the Met is a very large organisation and our investigators don't generally know the people they investigate, but probably more important is that the Independent Police Complaints Commission had two or three options when they first had the referral. The first was that they could have chosen to carry out the investigation themselves. They have limited resources

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and as you know they have many challenges for them at the moment, so I suspect that was always going to be a bit of a challenge for them just in resource terms but they could have done that. I suppose there are things that I do not know; you will have to ask them about their criteria. But I suppose the types of things that they would look at is the seriousness of the issue and whether they could trust their force to investigate, given their experience of the force.

The second option they had was to manage the inquiry or to supervise it and, finally, they had the option to ask another force to come in and investigate the Met. Having had the referral they did not choose anything other than to supervise our own investigators. I am reassured by that. What we have done though also, because of the very reason you asked the question, is that we intend to ask another force to independently review our investigation, so they will come in and look at the quality of the investigation taken together with the Independent Police Complaints Commission supervision of it. I am not sure what more I can do other than finally coming back to your point.

Q154 Lorraine Fullbrook: Why do you not give it all over to the IPCC?

Sir Bernard Hogan-Howe: We did try. We did ask them; of course, they concluded they either could not or would not. The only thing that I finally rest on is this: as I say, when we received the email within 48 hours we had gone out and looked at one of our own officers and within a few days we looked at a relative, which is what we have confirmed. Of course, we could have waited for the IPCC to get involved in this. We could have waited for another force to be appointed. I can assure you it would not have happened within 48 hours, just pragmatically, not because anybody was reluctant; it would just have taken time.

Q155 Lorraine Fullbrook: Are you not concerned about people? There is concern by the public about the Met conducting its own inquiry, in effect. Does that not concern you?

Sir Bernard Hogan-Howe: Not generically there is not, because that is what we do every day of the week. As every other organisation does generally, they conduct enquiries into public complaints. The reason Parliament decided that it had a need for an Independent Police Complaints Commission was to reassure everybody that either it was appropriate to have internal investigation or they would carry it out or they would get another force to.

Q156 Lorraine Fullbrook: But this is not an average inquiry, though. As Mr Ellis says, there is perceived to be a political motivation here.

Sir Bernard Hogan-Howe: There is, but just bear in mind the way things transpired. You may not agree with this, I accept that entirely. We received the email and then within 24 hours realised it was one of our own officers who had written an email that appeared to come from an independent member of the public, our immediate reaction was to find them and we arrested them. If we had gone through this other process of finding another force, getting them down,

IPCC, and so on, I assure you it would have taken longer. We could have handed it over at some point, but of course the longer it went the harder it gets to hand it over.

Q157 Chair: I think we need to move on. Can I just ask, has it been agreed with the IPCC how this investigation is going to be conducted?

Sir Bernard Hogan-Howe: Yes.

Chair: It has; so, the parameters are all in place?

Sir Bernard Hogan-Howe: Yes, the terms of reference are available to the Committee, if you would like to see them.

Q158 Chair: Sir Hugh Orde, who was here earlier, backs your judgment that this should be done by the Met, maybe unsurprisingly. But the fact is, does it not look like, as Mrs Fullbrook has said, the Met investigating the Met over something that is of big public concern? Do you understand that?

Sir Bernard Hogan-Howe: I do understand that, and I do not want to breach any confidences here other than to say that we have—at various times during this inquiry, as it has started and as it has progressed, I have checked with various people whether they are content for us to continue for the very reason that I am being asked the question. Significant parties within it have remained convinced, and some have made public statements about this, that they are convinced that the Met can do this, that the individual who leads this inquiry is robust and independent and that we seem to be making thorough progress. I understand the nature of the challenge.

Chair: Thank you.

Q159 Mark Reckless: Commissioner, I understand that you do not want to prejudice the inquiry, you want to make it clear it is independent and you have an open mind, but isn't the problem that you went on the radio and said that nothing that emerged undermined the account given by the officers initially?

Sir Bernard Hogan-Howe: I think I acknowledged it on that Monday, which is—I think what you are referring to is that I was trying to deal with the whistle-blowing concern and I probably responded too quickly around the email. As a matter of fact, of course, we now believe that it is not an accurate account, but that did not disturb the original account. What I should have taken a little more time in a quick interview to say was of course it raises a concern to discover how did that email therefore get written? Was there a conspiracy? That is one of the terms of reference of our inquiry between officers at the time or anybody subsequently. I am acknowledging that I could have taken a little more time to explain my position; during the quick radio interview I did not, and that is what I am acknowledging.

Q160 Mark Reckless: I just think a lot of the problems that you now have and some of the tone of the questioning today is because of that remark, but if you are clear that you should not have said that and regret doing that, then I think it is easier to just say that.

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Sir Bernard Hogan-Howe: If I did not say it—I thought I had earlier, but if I did not, I will repeat it—I regret if anything I said on that day, or any other day, has led anybody to conclude that I was anything other than open minded and would be in ruthless pursuit of the truth. Anybody that knows me knows that that will never be the way that I would do things. But if those comments led anybody to any other conclusion, then I regret that.

Q161 Chair: But you did not need to ruthlessly pursue the truth in November because the matter was closed; that is what you are telling this Committee. It only became open again when you got the email, is that right?

Sir Bernard Hogan-Howe: That was a very significant development, certainly as I saw it on the Friday and we had just received it, so for me that was very significant.

Q162 Chair: Can you just clarify—you said this earlier but I did not get the answer—did you ask for that email, or was it sent to you by somebody?

Sir Bernard Hogan-Howe: It was sent through, as I said earlier, by Sir Jeremy Heywood.

Q163 Chair: By Sir Jeremy; thank you very much for that. Is it established practice that during an investigation, maybe not this one, but any other investigation—because I know you do not want to talk about this investigation in detail—that the victim is able to see the evidence that the police has? I am referring you to the letter that David Davis sent to you requesting a copy of the log and the subsequent letter that you have had from Andrew Mitchell saying, “Could I have a look at the log?” Is there, in principle, any objection to those who are not being investigated but assisting an investigation—which I assume Mr Mitchell is doing—to have a look at the copy of the log? Is there any reason why he should not see it?

Sir Bernard Hogan-Howe: If I can take you away from this a little, because of course I have received a couple of confidential letters which the writers of the letters have not released me to discuss, and I feel a little constrained by not being able to say what was in them in my replies. Generally what happens is that if we have witnesses then of course we need to make sure that we the police or the investigator, in this case the Cabinet Secretary, hold the information, and we do not allow partial access to some of the information. Bearing in mind the corollary for the police—I am not talking about in this case, but generally, if we are investigating someone for drugs and they say, “I would like to have a look at your log about all that you have seen”, that may be what happens in a criminal court, but during the course of the investigation we do not say, “Right, we will now answer your questions, rather than someone else answer ours”. In general terms, which is your question, it would not necessarily be in all our information. Of course, they are able to ask for it under freedom of information and various other mechanisms.

Q164 Chair: Right but that is way down the line because that takes a while. At the moment Mr Mitchell’s statement is that he is a witness assisting the police with their enquiries following the arrest of Mr Wallis and the other person.

Sir Bernard Hogan-Howe: Yes; so far as the other status, that is the category I would put him in.

Q165 Chair: He would be entitled to anything any other witness would have but not anything that other witnesses would not have?

Sir Bernard Hogan-Howe: We would not generally share all the information. I am talking now about a criminal trial, and of course this is not at this stage about Mr Mitchell.

Chair: No, this is a criminal investigation, is it not, into somebody who is being accused of misconduct in public office?

Sir Bernard Hogan-Howe: I suppose our general response to people who ask us for information, if there was any suspicion over a crime or a misconduct or any action of the police, is that when we are dealing with people we do not generally reveal all our sources of information for reasons that we only have so many operational secrets and we would not generally. So our general response is in those terms.

Q166 Mark Reckless: Commissioner, can I just clarify: when did Sir Jeremy Heywood provide this email to the Metropolitan Police?

Sir Bernard Hogan-Howe: I think it arrived at New Scotland Yard on Thursday 13 December.

Q167 Mark Reckless: Were he to have provided it to the Metropolitan Police before that, is it possible that Metropolitan Police might have brought these issues to light rather than it being left to Michael Crick on Channel 4?

Sir Bernard Hogan-Howe: It is very difficult for me to be absolutely sure. The only thing I can observe is that obviously we received it on the 13th and by the 15th we had arrested one of our own officers.

Chair: Thank you.

Q168 Mr Winnick: Arising from a question put to you by a colleague, a distinction was made, Sir Bernard, between swearing and swearing at the police, but is it not a fact that on 21 September, two days after the incident, Mr Mitchell apologised for being disrespectful to police?

Sir Bernard Hogan-Howe: I believe he did.

Q169 Mr Winnick: In short, would that not indicate—I do not know if this needs to be the subject of any investigation—that the swearing was directed at the police, otherwise why the apology?

Sir Bernard Hogan-Howe: I think the only thing I can say, Mr Winnick, is that it is probably for Mr Mitchell to explain exactly why he apologised.

Chair: Exactly. I think we will leave it at that.

Q170 Mr Clappison: Can I just ask you briefly, arising out of what you just said, I am not asking you how the investigation has been carried out but I would like to be reassured as to the ambit of the investigation

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and what exactly is being investigated. You are investigating the similarity, I take it, between the contents of the email which has been published, the striking similarity which is quite clear, particularly the use of certain words and what has been published in the police log, because it would be very difficult for the email to have come about without any knowledge of the police log?

Sir Bernard Hogan-Howe: I wonder if at this stage, Chair, we can write to you with this, but it might be helpful to read into the minutes the terms of reference for the inquiry.

Mr Clappison: Please, that would be very helpful.

Sir Bernard Hogan-Howe: And what has been referred to the IPCC, “First of all, to investigate the circumstances surrounding the police officers claims to witness the incident in Downing Street”—this is obviously on the day of the event—“to establish if there is any evidence of a conspiracy between this officer and any other person; thirdly, to establish what, if any, criminal or misconduct offences are apparent; fourthly, to progress the supervised investigation to wherever the evidence takes it; and finally, to establish if there is any organisational learning as a result of this investigation, regardless of whether it was a crime or a misconduct”. They are fairly broad terms of reference, but I hope Mr Clappison would accept that it includes, I think, the question that you raised.

Q171 Mr Clappison: What I have raised would, in your judgment, fall within that?

Sir Bernard Hogan-Howe: Yes. If it reassures you, even if it was not explicit, you would expect an investigator to follow the evidence. Sometimes when you start on the terms of reference, you draw them fairly broadly because you want to follow the evidence. Sometimes you do not know what is going to come up next, and that has certainly happened at least once in this case.

Q172 Michael Ellis: Following on from Mr Clappison’s point, indeed it needs to be broad because one does not know where these things are going to lead in many cases, but you have, in my judgment, taken this very seriously and rightly so. You returned from holiday I think at one point, did you not, to deal with this matter and you have appointed a very senior officer with a large team, so I am inclined to agree with Sir Hugh about his assessment of your conduct in this matter. It is easy to mis-speak, especially when being interviewed by Victoria Derbyshire—I think it has probably happened to me—but the fact of the matter is that where evidence is being collated, if it turns out that evidence has been tainted for any reason, would you agree with the Prime Minister and others who have said that that would be in the first degree of seriousness?

Sir Bernard Hogan-Howe: I agree entirely, and I think the balance I am trying to strike I suppose both today and in my public pronouncements generally, and perhaps on the radio programmes you have alluded to, is that I have responsibilities as Commissioner of the Metropolitan Police to try to support the staff that I lead. 99.9% of the time they do a great job; in fact, they do an incredible job on

behalf of the public of London and right around the country. We expect some incredibly high standards from them, and I hope we always do. We do not want to find that we have low standards and are constantly disappointed, so we need high standards. That is why I always try to strike that balance between supporting them doing their job in very difficult circumstances, often dealing with people that most of us would walk away from, and in this case, obviously, this is a serious issue, as you already said, and the Prime Minister has agreed, and I agree entirely, that we need to get to the bottom of it, and that is what we are going to do.

Michael Ellis: Thank you, Sir Bernard.

Q173 Nicola Blackwood: Thank you, Mr Chairman. I did just have one quick finishing supplementary on Andrew Mitchell. I just wanted to ask: how many officers did you put on the original leak inquiry?

Sir Bernard Hogan-Howe: I cannot tell you exactly. I know it was not 30, but I will let you know as soon as I am able to. It will not be anything of that order.

Q174 Nicola Blackwood: Do you think that because of the general attitude to the incident within the police force that it was not taken very seriously in the first instance?

Sir Bernard Hogan-Howe: I don’t think that would be fair. I will give you the number of officers, it probably was not necessary to have that, but I do not think it is fair to say that we are not treating it seriously. In fact I was criticised at the Leveson inquiry, not by Lord Justice Leveson, but by others about the number of leak inquiries we carried out since the phone hacking difficulties where we were said to have overreacted to the very thing I am now being accused of potentially under-reacting to. Striking this balance, I think, is quite difficult. It certainly was not 30 officers, but I hope you would be reassured that we did take it seriously and we put officers into it. Leak enquiries are notoriously difficult to get to the bottom of, although the Elveden part of the phone hacking inquiry is proving that we can.

Q175 Nicola Blackwood: Okay; thank you. I now want to move on to counter-terrorism, and obviously we have had the Home Secretary answering on the case of Ibrahim Magag today and I wanted to ask you about your views about the change across from control orders to TPIMs and whether, in particular, the removal of the option for relocation would have had any bearing on this particular case?

Sir Bernard Hogan-Howe: We do not think so. First of all, obviously Parliament decided it was a change of legislation, and there is always a balance to strike with these things because I think everybody accepts—the Home Secretary has accepted—that the only substantial way that people who are a threat can be restrained is to be in a high-security prison. Of course, if the evidence is not available to neither substantiate the charge nor get a conviction at court, then we have to find some other method. I do not think anybody in this country thinks that either internment or permanent house arrest is a good option, so we are always mitigating that risk, and the control orders of the past

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have been criticised for being too restrictive and it was decided that in fact the balance of that was going to change. There were people who absconded under the control order regime, as I am sure you are aware, so the fact that one has absconded under the TPIMs regime does not mean to say that the whole system is a problem. Of course, we and others will review this particular case.

Q176 Nicola Blackwood: As I understand it, additional resources were given to counter-terrorism teams in order to cope with the change of regime, to provide training and to provide extra powers for surveillance and so on within the regime. Do you think that has been sufficient to cope with the TPIMs regime as opposed to the control orders regime?

Sir Bernard Hogan-Howe: I think in broad terms, yes. If you talk to the public service we will always argue for more, you realise that. But I think the response of the Government to the change in legislation, which allowed us and others to invest in this area, was a reasonable change and I am sure if it was proved eventually that there was a problem we would be able to make our case. But I cannot sit before you today and say as a result of this case we do not have sufficient resources to deal with this particular problem.

Q177 Nicola Blackwood: Do you have any concerns about the TPIMs or ETPIMs legislation as it stands?

Sir Bernard Hogan-Howe: I do not think it would be right to do so on the back of this one case.

Nicola Blackwood: Just on your general experience, because it is only just over a year old.

Sir Bernard Hogan-Howe: I think Cressida Dick, the Assistant Commissioner, and Jonathan Evans, the Head of the Security Service, have all given evidence before this and other Committees about this change of legislation, and I think everybody agreed that it was not a substantial change in the risk overall to the threat of terrorism, and given the state of the general threat, which over the years has come down, this seemed a reasonable response. I am sure we will all want to keep it under review for the future.

Q178 Nicola Blackwood: The other change to the TPIMs regime as opposed to control orders is obviously that they are not indefinite. They have a two-year limit, although it can be renewed for another two years with the idea being that after two years a person would have been disrupted from their particular network so the threat will have been reduced. Do you have concerns about those limits and have you plans in place to cope with those changes?

Sir Bernard Hogan-Howe: I do not think so particularly. I think the fact that we are able to make our case again, it seemed to me that there were numerous strategic differences between the old control orders and the new ones, and one of them was clearly that Parliament was persuaded that there ought to be more regular reviews. It seems to me that is not an unreasonable thing. These are fairly significant restrictions on people's liberty. These are for people who have not been convicted of a criminal offence and some of the evidence is not able to be heard in

public, so it seems for all those reasons to have reasonable steps in there and I do not think anybody could say that a two yearly review is something that would cause us to have extraordinary problems, and I think it is something that we can deal with.

Q179 Chair: On the Magag case, Commissioner, we clearly do not know where he is at the moment; do you know whether we retained his passport?

Sir Bernard Hogan-Howe: In short, I cannot give you that exact detail. I am fairly sure that he would not have one.

Q180 Chair: He would not have one?

Sir Bernard Hogan-Howe: Whether or not we have it, I will write to you if you would like me to.

Q181 Chair: Yes, the concern we have is that in a previous case involving the Met somebody was able to go to the UK Passport Service and get another passport and leave the country. We are just concerned to make sure that that is not what has happened.

Sir Bernard Hogan-Howe: If it helps, one of the first questions I asked was to make sure that he has not applied for a passport in his own name. I am sure he has not, but I would like to be reassured.

Q182 Chair: In respect of the nine others who are subject to TPIMs, presumably somebody in the operation, Cressida Dick or somebody else, is looking at their arrangements, is that right?

Sir Bernard Hogan-Howe: Yes. That was an immediate reaction to this particular one obviously, because I am sure the Committee will realise that I cannot go through all the detail, but, of course, there is potential for some of the TPIMs subjects being linked, and one of the things that we look at is what their reaction would be to this person's disappearance.

Q183 Chair: Penultimate question: in figures released yesterday, it showed that in the past three years the Met has seized 500 stun-guns, which are more powerful and stronger than the guns that are used by the Metropolitan Police. What is being done to try to deal with the importation of these guns into the UK? People seem to be ordering them online from Germany and other countries and they just seem to be getting in.

Sir Bernard Hogan-Howe: I am afraid I arrive unprepared to explain exactly what the import restrictions are on different types of stun-guns, although I can check for you. First of all, a normal taser-type gun is an offensive weapon and cannot be owned by someone in this country. We have to have special licences for it, so I would hope that we do not see more importation. It is a constant challenge because, of course, of the stun-guns, firearms and ammunition that people are able to buy on the internet in other countries and which sometimes travel through the post.

Q184 Chair: And you had this problem in Merseyside, of course, which you dealt with very effectively.

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Sir Bernard Hogan-Howe: Yes, we had to do that. It is still true round the country; it is a constant challenge to stop things travelling in the post or ordered by the internet, whether it be this or CS spray or mace and various things around the country. It is a constant challenge.

Q185 Chair: Commissioner, thank you for coming in. This Committee accepts what you have said, that you were determined to have a search for the truth in the Andrew Mitchell case and that you have said to your deputy commissioner that she must do everything that she has to do to follow the evidence to get to the truth, because we, like you, accept that this is an issue of the public's confidence in the police, not because of Andrew Mitchell on his own, but because of all the circumstances surrounding it and the possibility that a member of the Met may have fabricated evidence; we do not know, so we are as keen as you are to get to the truth, and we are glad that this ruthless search has begun. Do you have a timetable as to when it might end?

Sir Bernard Hogan-Howe: I do not want to tie myself down too long or too much, because one of the things I have already indicated is that the inquiry from time to time has taken an unusual turn. There three milestones that I can offer you. The first is that the person who was arrested with a police officer—you remember that they are not employed by the police

but are related to the police officer—I think is returning from bail on 16 January and the police officer should return from bail on 31 January. Those are two significant milestones. The final thing is we expect that we may be able to share a report with CPS by the end of this month or early next month.

Chair: By the end of this month?

Sir Bernard Hogan-Howe: End of this month or the beginning of next; I am trying to be careful not to be a hostage to fortune. I am just trying to indicate I think we are talking about a matter of weeks before we do as much as we can. If we find something else out that I do not know about today, all bets may be off. I am trying to give you our best account as to where I think we are at the moment.

Chair: We are very grateful to you for coming in and for the candour with which you have answered our questions. Thank you very much indeed.

Sir Bernard Hogan-Howe: Genuinely, thank you for the opportunity. I hope to have reassured you and certainly I always give a straight answer so far as I ever can in terms of some of the things that we have to deal with.

Chair: Thank you, and we look forward to seeing you next Monday at the start of our seminar. You will not be questioned; it is a straightforward speech.

Sir Bernard Hogan-Howe: I will come, then; it is all right. Thank you very much.

Chair: Thank you very much.

Tuesday 12 February 2013

Members present:

Keith Vaz (Chair)

Mr James Clappison
Michael Ellis
Dr Julian Huppert
Steve McCabe

Bridget Phillipson
Mark Reckless
Mr David Winnick

Examination of Witness

Witness: **Alex Marshall**, College of Policing, gave evidence.

Q186 Chair: Could I call the Committee to order, and could I refer all those present to the Register of Members' Interests where the interests of Members of this Committee are noted? This is a one-off session that deals with the new College of Policing. I am delighted to welcome you, Mr Marshall, and congratulate you most warmly on behalf of the Committee on your appointment to this extremely important post. Welcome.

Alex Marshall: Thank you, Chairman.

Chair: I am just trying to think of how many days you have been in your post. It is about a week or eight days.

Alex Marshall: A week and two days, sir.

Q187 Chair: A week and two days. You are counting the days already, obviously. This Committee is a supporter of the idea of the College of Policing, and what we hope to do today is to explore some of the aspects of your post. Obviously you will not have every answer to every question, because it is a new job and a new organisation, but we hope that you will keep us informed in the months and years ahead of what you are doing, because we regard this as being a very important part of the landscape of policing. I want to start with an issue that is already being considered by the Committee. You may or may not have known we took evidence last week about undercover agents. We know that this has now been passed to your organisation. Could you tell us exactly what your role is in respect of undercover agents?

Alex Marshall: As the professional body, we will work with the ACPO leads in this area to set the standards for undercover work and make sure those standards are followed in all forces. Clearly, I am not commenting on the recent case that I think was the subject of questioning last week.

Q188 Chair: Of course, I understand that, although we will ask you about some of the aspects of Operation Herne, in view of what the Home Secretary said today. I am a little bit puzzled by your answer. I was under the impression in the evidence given to this Committee by the Home Secretary and by Deputy Assistant Commissioner Gallan that you were going to be responsible for setting the standards for undercover agents. You are telling this Committee now that you are going to be working with ACPO leads. I was also under the impression—and I am sure we will explore this a little bit later—that ACPO's responsibilities were being transferred to you. Is it not

your responsibility to deal with undercover agents rather than ACPO's? When you say, "I will be working with them", who issues the guidelines on undercover agents?

Alex Marshall: There are already existing guidelines that have been issued by ACPO. As we go forward, it is the responsibility of the College of Policing to set the standards in policing, in including this area. Clearly, in setting those standards going forward, I need to look at the recently issued guidance on undercover work that was developed across the country and talk to the experts in this area, but ultimately it falls to the College, the professional body, to set the standards for all forces.

Q189 Chair: So, you are the person who will set the standards in your organisation. You may consult with ACPO, you may look at the guidelines, but at the end of the day it is the College of Policing that will set these guidelines. Is that what you are telling this Committee?

Alex Marshall: Yes, sir. The way that the business areas work is that the business areas are inclusive of everybody in policing and are often led by a chief officer, but the business areas now report to the professional committee, which is part of the College of Policing, the professional body.

Q190 Chair: All right; so, now we know it is going to be you. I know you do not want to comment on the issues that were raised in the media, but I am going to put this to you because you commented to the BBC, on 4 February—you may not want to comment to this Committee—that undercover work should only be pitched at the most serious criminality. Is that right?

Alex Marshall: Undercover work is a serious undertaking. It is difficult territory for those doing it, and the public have to trust the police that, in using these sorts of intrusive powers, they are carried out by people who are skilled, who are highly professional and have the utmost integrity. Undercover policing should be used for serious matters.

Q191 Chair: You have seen what is already in the public domain and the comments that were made to us last week by Deputy Assistant Commissioner Gallan about the use of the identities of dead children by undercover agents. She told us that that practice has stopped, and indeed stopped 10 years ago. Presumably, you deprecate the use of the identities of dead children by undercover agents?

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Alex Marshall: I had no awareness of that practice. It has not happened in cases where I have been the Chief Constable and had to authorise that type of work. My understanding is that it does not happen and that it is outside the current guidance.

Q192 Chair: You would not authorise nor would you allow in your guidance the use of such tactics as part of undercover operations? You deprecate that practice, do you?

Alex Marshall: Sir, I would need to look at the detail of how we create legends for people who work in the undercover world, but sitting here now I cannot think of reasons why you would use those details in that way.

Q193 Chair: As DAC Gallan told us, you think this is not a good practice?

Alex Marshall: Sir, we should not be intruding upon people's private and family lives if it is in any way avoidable. My understanding is that for undercover officers to work successfully it would not be necessary to do this.

Chair: Excellent.

Mr Winnick: One on this point?

Q194 Chair: I am coming to you, Mr Winnick. I know you want to come in, so just hang on.

In respect of Operation Herne—which of course deals with this whole area—we had a statement this afternoon. I am not sure whether you have seen the Home Secretary's statement. She may well have informed you of what she was going to say; at least I hope she has informed you, because a lot of it relates to the College of Policing. Are you now involved in any way in Operation Herne, because we were very concerned that this had been going on for a year, it had cost the taxpayers £1.2 million and it had not actually come to any conclusions? Mick Creedon has now been put in charge. Is he running Operation Herne, or is he acting as a consultant to the Met?

Alex Marshall: Sir, I do not know the detail, other than that Chief Constable Mick Creedon is now carrying out an investigation into that case.

Q195 Chair: What do you mean "into that case"? It is a huge operation, isn't it?

Alex Marshall: Yes.

Q196 Chair: Who is in charge now? Is it DAC Gallan, who gave evidence to us last week? Is she running Operation Herne, or is Mick Creedon running Operation Herne?

Alex Marshall: Sir, I am not briefed on the detail of this case. I have no direct involvement in it. My understanding is that Chief Constable Creedon is now investigating this matter.

Chair: Yes, I understand that, but you keep talking about "a case" and "an investigation". This is a police operation, like Operation Alice and Yewtree and Elveden. Is Mick Creedon in charge of the whole operation? Is he investigating? Who is he investigating? Is he running the operation? If you have responsibility for the guidelines on undercover agents, I would have thought someone in the Home Office

would have told you what is happening. Is DAC Gallan still involved in Operation Herne or is she now relieved of her responsibility? Is this now Mick Creedon's baby?

Alex Marshall: DAC Gallan's responsibilities are a matter for the Commissioner of the Metropolitan Police.

Chair: I understand that.

Alex Marshall: He will decide what her current role is. I have been informed that Chief Constable Creedon has been brought in to look at this matter, as an outside, experienced Chief Constable and a very experienced detective. I have no direct involvement in it.

Q197 Chair: So, nobody has told you whether he is running the operation or he is just coming in to oversee it and investigate?

Alex Marshall: No, Chairman.

Chair: You do not know anything about this?

Alex Marshall: No. My role is that any lessons that come out of this type of inquiry need to feed into the guidance that I set, going forward, and the standards to be followed across the whole of England and Wales.

Q198 Chair: You will wait for Mick Creedon to finish and Operation Herne to be brought to a conclusion, and then you will use the lessons from Operation Herne to draft your guidance?

Alex Marshall: In principle, yes, sir. But if any lessons emerge during any of these inquiries, my style is to adopt them as soon as possible. For example, if there are a couple of clear things that come out in the first few weeks, I will make sure that those are then included in the guidance. It could be interim guidance pending the full inquiry report.

Chair: That is very helpful.

Q199 Mr Winnick: Yesterday, Chief Constable, when I asked a question of the Home Secretary about undercover agents, where it is alleged the names of dead children had been used, she agreed that if that was the practice, it was despicable. Chief Constable, would you agree with that?

Alex Marshall: Sir, as per my earlier answer, we should not intrude into people's personal and family lives unless it is absolutely necessary. If we do so, it should be a conscious decision, and we should take care of that family in doing so. I cannot see the necessity to do what is alleged to have happened in this case.

Q200 Mr Winnick: I do not want to press you on a particular word, but I think I would take your answer—without putting words into your mouth—that you agree that it was despicable. I am not going to press you on a particular word, because I think your answer more or less indicates that.

Chief Constable, can I ask you, do you believe that it was in the interests of the public that this matter has come into the public domain? I know that you put a great deal of emphasis on the word "if" regarding this, but if in fact this happened—and I think most people who have studied this would agree it has happened,

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otherwise the Home Secretary would not have set up an inquiry—do you think it was in the public interest that this has come into the public domain?

Alex Marshall: Sir, I think that in policing, whenever we use coercive or intrusive powers, we should be held to account for their use and if that intrudes upon people's lives, we should be answerable in public for that type of decision.

Q201 Mr Winnick: One more question on this aspect, if I may: if the names of dead children have been taken, obviously without the permission of the parents, and if it is shown to be the case—and I hope a conclusion will soon be reached in the inquiry that is taking place—should there not be as quickly as possible an apology given to the parents, at the highest level of the police as well as by the Home Secretary? Leaving aside the Home Secretary, as far as the police are concerned, would you agree with that?

Alex Marshall: Sir, we owe a duty to those families if their privacy has been intruded unreasonably, and we should then deal with that, but I think the correct position for me to take is to let Chief Constable Creedon complete his investigation so that I am really clear what happened.

Q202 Mr Winnick: Yes. When you say “deal”, can I take that to mean—in effect, in plain English—that if the facts are as told to us at a previous hearing, an apology should be given?

Alex Marshall: Sir, I would want to see what comes from Chief Constable Creedon's investigation. If an apology is due, then we should be clear who we are apologising to and exactly what for and it should come from the person who holds responsibility for it.

Chair: Thank you, Mr Marshall.

Q203 Mr Clappison: I draw reassurance from what the Chief Constable has already said. I think he has pre-empted the questions that I am going to put to him, but if I could simply put to him my reaction as a Member of the Committee to the evidence that we heard last week, which frankly I thought was bizarre, I would like to suggest to the Chief Constable that, while undercover work clearly can be a very important part of police work, and intrusive undercover work can be justified in the most serious of cases, what we heard was unacceptable, insofar as the effect of the long-term relationships that had been formed with the women concerned. Even more serious was the fact that we were told that, apparently, children had been born as a result of these relationships. It strikes me that it cannot be right for a child to be brought into this world whose father is an undercover police officer with all that that implies for the future of the child. I hope that that is taken into account.

Alex Marshall: Yes, sir.

Q204 Chair: Thank you, Mr Marshall. Let us move on to the rest of your post in the organisation. You obviously have high hopes for this organisation, as does this Committee; so does the Home Secretary and the Government. If you were going to think of your main objectives as far as this post is concerned, what

would be your top three issues that you want to pursue?

Alex Marshall: I want to set up a world-class professional body for policing. I want to make sure we focus on the issues that the public most care about, that the people we serve deserve us to be focusing on. I would start with integrity in policing and making sure that our reputation is as it should be at the highest level. In protecting the public from dangerous people, the public deserve to know that we are consistent in how we manage dangerous people across the country. The third priority, looking at the Police and Crime Commissioners' main focus during their campaigns, is making sure we can describe the best models of local and neighbourhood policing that make local communities feel safe and secure.

Q205 Chair: Let me just talk about the board. Is the board now fully established? Do you have all the members of it?

Alex Marshall: No, sir, I am awaiting the final details of the board members.

Q206 Chair: How many board members are you going to have, Mr Marshall? We know you have a chair. I spoke to her last week; Shirley Pearce.

Alex Marshall: Yes, we have a chair, sir. There will be four Police and Crime Commissioners, three members of ACPO, a member of the Police Federation, a member of the unions, a member of the Superintendents Association, and from memory, sir, an academic.

Q207 Chair: There seem to be no consumers on there, no ordinary people—and nobody in this room on this side of the dais I would describe as “an ordinary person”—members of the public. Do you think it would have been a good idea to have someone from the public, as opposed to someone who happened to be a member of ACPO or a professor or a Police and Crime Commissioner, or do you think the PCCs are actually, in effect, members of the public?

Alex Marshall: In addition to those I mentioned there are three independent members, who I am sure will all have a degree of responsibility for representing the public. There are the Police and Crime Commissioners, who hold Chief Constables to account on behalf of the local public, but I accept that we want as much external scrutiny as possible. I am looking at setting up independent advisory groups to make sure that the public have greater access to critique what is going on in the College of Policing.

Q208 Chair: Bearing it in mind that a quarter of all police officers are in the Met, do you think that the Metropolitan Police ought to be sitting on the board as of right? I was surprised that Sir Bernard Hogan-Howe, the Commissioner, has not been asked to serve on this board. You have three people from ACPO on there, and, as we know, the future of ACPO is something that we need to discuss. Do you not think that it would have been sensible for Sir Bernard or someone from the Met—not necessarily him, because obviously he is very busy—to represent it as of right on the College of Policing? Bearing in mind at some

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time in everyone's career they pass through the Met, as indeed you did, on the way to—

Alex Marshall: I passed through for 20 years, sir, yes.

Chair: Yes, exactly.

Alex Marshall: I do not choose the board. The board holds me to account, as the Chief Executive.

Q209 Chair: Would it have been helpful if that was the case? Obviously, the Committee can make recommendations and you will come before the Committee.

Alex Marshall: I have already been in discussions with the senior people in the Metropolitan Police. I already feel I am forging good, productive relationships with them. From my point of view, I am not sure any particular advantage would be served by an additional seat on the board.

Q210 Chair: Before we move on let us deal with diversity, because that is going to be one of your key issues in the College, and look at your record in Hampshire. It is not spectacular, is it, as far as black and Asian police officers at senior levels are concerned? I looked at the figures. When you took over as Chief Constable, you had 85 BME officers working for Hampshire. When you left it had actually gone down. If you look at the ranks of the BME officers, I think you had only one at chief superintendent level. The same thing applies to gender. For someone who is going to take control of the diversity agenda for the whole of the police, this is not a particularly outstanding record, is it? I know what you have done as far as the gay and lesbian community is concerned, and that you won a Stonewall award for that work, but in terms of the black and Asian community, and the concern that there is about getting a police force that is representative of the country, it has just not happened, has it, in Hampshire?

Alex Marshall: Sir, I share those concerns about making sure we have a representative police force. As the Chief Constable of Hampshire, I took responsibility for trying to improve the level of representation within the force. I set up a BME managerial advice group, a group of middle managers, black and Asian middle managers, who I met on a regular basis who gave me advice and critiqued my proposals in terms of recruiting, progression and retention. When I took over as Chief Constable, we needed to make about 20% savings in the running costs of Hampshire Constabulary once the cuts and savings were brought in. That meant reducing the workforce by several hundred people during my time as Chief Constable, so we lost about 700 or 800 posts out of the organisation. There was only one period, at the start of my time as Chief Constable, where we recruited any number of new recruits into the organisation. On that occasion, we recruited 79 people, of which 11% were BME. After that, we recruited very, very small numbers, because we had to reduce the size of the workforce. In effect, we only recruited from within, so we only carried on reflecting the make-up of the organisation we already had.

Q211 Chair: You accept that it was not a good record?

Alex Marshall: Sir, you mentioned gender. In my time as Chief Constable, I appointed five chief superintendents. Three of them were women. In my time as Chief Constable, I appointed 11 superintendents. Four of them were women. In my time as Chief Constable, we appointed two assistant chief constables with the police authority. One of those was a woman. As you say, I received a Stonewall award for my work with the lesbian, gay and bisexual community, and we are seen in Hampshire—my previous force—as a very good employer and somewhere where, if you come from a non-traditional background, then you can progress.

Q212 Chair: But if you look at the comments of Commander Dal Babu, who is very well respected in the Met, he said only last week, “We’ve really got to look at using those precious recruiting and promotional opportunities to make sure we get more BME and more representative workforce, particularly at a senior level”. What worries me is not your commitment and your wish to do it—and I am not sure I am quite convinced by your answer that, because of the austerity measures, you have not done very well with BME police officers in Hampshire—but I do not believe that you can only have a BME officer working in Brent. You can have them in Hampshire as well. If you take someone like Mike Fuller, in the end he was Chief Constable of Kent. The fact is you are now in charge of this. What are you going to do about it? Peter Fahy has come up with a pretty radical idea of positive action.

Alex Marshall: Sir, my point about Hampshire Constabulary is if we are not recruiting anybody, it is hard to change the make-up of those coming into the organisation. We had already recruited women into the organisation and we had large numbers of women—you see my track record at promoting women in the highest levels. Where we already had gay, lesbian and bisexual people in the organisation, you can see my track record at recruiting them into the highest positions. A black or Asian senior officer was never in front of me for a board for a senior position. If they have not come through the organisation, I am not in a position to promote them. The best way of solving the problem is to recruit a good pool of talent into the organisation who will then move through.

In terms of what I will do in the College of Policing, there are some specific actions that we are now undertaking in my second week. Three specific development courses for people at the beginning of their career have been established: a foundation course for people from non-traditional, particularly BME, backgrounds to give them support and guidance; mentoring, to help them develop in the early years; then a middle management course to bring those people on towards superintendent and chief superintendent; and a third level to make sure we realise the potential of the people in superintendent and chief superintendent to bring them through.

Chair: Thank you; very helpful.

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Q213 Mark Reckless: Mr Marshall, to say that you never had a black or Asian candidate in front of you, is that really sufficient? Wasn't it for you to ask questions as to why the pool of people you were interviewing was so narrow, at least in ethnic terms?

Alex Marshall: I could see why it was so narrow, sir, because we were not recruiting in and we did not have large numbers in the constable, sergeant and inspector ranks.

Q214 Mark Reckless: Mr Marshall, I could have said the same as a member of Kent Police Authority when we were appointing and then reappointing Mike Fuller as the Chief Constable. We did not have any difficulty with appointing what was a truly outstanding Chief Constable, but it seemed to us at least that elsewhere in the police people appointed people pretty much like themselves, at least in terms of ethnicity. Don't we need to open up the police at a senior level to outsiders in order to deal with the issue of ethnic under representation?

Alex Marshall: Yes, we do. In my last round of promotions as Chief Constable I opened up to the whole country and, for example, women were successful in those promotion processes coming from other forces. But again, we did not attract people in—

Q215 Mark Reckless: I was not suggesting that we open it up to other police officers elsewhere in the country; I was suggesting we open it up to people who are outside, at least initially, the policing profession or outside our national borders. Would you support that?

Alex Marshall: Certainly we need to open up policing, and we need to make sure we can get talent that makes us more representative. The College has a role in bringing that talent through quickly into senior positions.

Q216 Mark Reckless: Good. Certainly, as a Member of the Committee, I look forward to seeing further work from the College to really show some urgency in that area.

Could I ask you what relationship the leaders of the College will have with Government and Parliament? How do you envisage being held to account?

Alex Marshall: Being called to the Home Affairs Committee, sir, speaking with the—

Chair: Good answer.

Mr Winnick: One of the pleasures of life.

Alex Marshall: Clearly, the Home Secretary has a role and engages with the College. I answer to the Home Secretary in that sense. Parliamentary questions have already been asked about the College, and I would expect Parliament to continue to ask questions about the College of Policing.

Q217 Mark Reckless: What about the Police and Crime Commissioners?

Alex Marshall: Yes, I have already started engaging with the Police and Crime Commissioners. Four Police and Crime Commissioners will be on the board that hold me to account. I am also going around the country to see all the Police and Crime Commissioners, to make sure that the College of

Policing produces what they need to succeed in their roles.

Q218 Mark Reckless: So there is no real proposal that we should not actually have any PCCs on the board, but they should be set off in some sort of separate advisory thing? That has gone by the board. You have four PCCs on that leadership board. Why then do we have these three ACPO representatives? The Home Secretary was saying yesterday the Government has now cut all funding to ACPO and sees it as a sort of private company. I am not quite clear what its role is in being on the board or overseeing the College of Policing.

Alex Marshall: Its role, sir, is that the Chief Constables have operational control within their force areas. They are responsible for implementing change within their force.

Q219 Mark Reckless: What does that have to do with ACPO?

Alex Marshall: Because it is the Association of Chief Police Officers.

Q220 Mark Reckless: But that is a private company. There is a terminology in policing: we refer almost to ACPO level merely because they are assistant chief constable or above. Aside from that, I am not quite sure what business, if any, ACPO has having three representatives on the board. Your answer seems to suggest they were there as representative forces rather than as ACPO representatives. Can you clarify?

Alex Marshall: They are there as representatives of the chief officers, and it is the chief officers who have operational control over the forces.

Q221 Mark Reckless: So, do they represent ACPO?

Alex Marshall: ACPO is the body, the association that brings together all the chief officers and, therefore, through ACPO chief officers sit on the board. The limited company status is the legal construct for parts of ACPO to exist, but it—

Q222 Mark Reckless: Mr Marshall, I and other Members of the Committee are very familiar with the ACPO structures and the way that organisation has developed. I would like you to answer the question: are those three senior officers there representing ACPO or not? If you do not know the answer, the Committee would be very happy for you to write back and clarify that position, but I think it is a really important question to answer.

Alex Marshall: They are there as the senior ACPO representatives, with ACPO being the Association of Chief Police Officers.

Q223 Chair: I think the answer is "Yes"; they are there representing ACPO. That is right? You are saying they are representing ACPO?

Alex Marshall: Yes.

Chair: Is that okay, Mr Reckless?

Mark Reckless: I am surprised it took so many iterations to get there, but yes.

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Q224 Dr Huppert: That may be a factual answer. I am not entirely comfortable with the idea that they are ACPO delegates. Are you also implying that the PCC people on there are acting as representatives of the Association of Police and Crime Commissioners, or are they there as a subset of the individual Police and Crime Commissioners?

Alex Marshall: They are there as Police and Crime Commissioners, but somebody will need to co-ordinate which of the PCCs are chosen to sit on the board.

Q225 Dr Huppert: But are you saying that in each of these groups they could be delegated or mandated by in one case the association and in the other by ACPO, or are they there in their own right as force leaders?

Alex Marshall: As directors of the board, they have to be there in their own right with legal responsibilities as directors on the board. They come from organisations such as the Police Federation, who will nominate somebody to represent the Police Federation on the board. Of course, once they are on the board, they do have those personal and individual legal responsibilities as a director.

Q226 Dr Huppert: When we are talking about ACPO's status as a limited company, am I right that the College of Policing is currently a limited company as well?

Alex Marshall: That is correct.

Q227 Dr Huppert: I believe the plan is for that to be set out in statute. What are the consequences of the fact that you are currently simply a limited company?

Alex Marshall: It means that the single shareholder is the Home Secretary, and that the board has to operate within the accounting rules and the legal construct of a limited company. In terms of operating, in terms of setting standards, in terms of establishing the best practice in policing, in terms of making links with the academic world and making sure what works successfully is rolled out in all forces, it does not impact on the work of the professional body.

Q228 Dr Huppert: I think there are a number of questions about the set-up that we will possibly have to look at later, but can I move on to what you just touched on about the relationship with universities, because I think that is an innovation? What are you proposing to do? What will be on offer to officers and to universities? What are you proposing?

Alex Marshall: There are already many good links between individual forces and universities. I want to make sure that we formalise those links, and where universities are carrying out research that might be to the benefit of the public through improving policing—for example, the best ways of preventing crime—that that is channelled through the professional body and then made available to all forces to adopt as appropriate. It is formalising the relationship with universities, setting up a “what works?” centre under the Cabinet Office rules to make sure that when we describe something as what works in policing it follows proper academic rigour, it has been published,

peer reviewed, challenged, tested in the field, and we can say with certainty that this approach works.

Q229 Dr Huppert: What do universities get?

Alex Marshall: Universities get access to the priorities in policing, access to police practitioners, in terms of operationalising the research in the field, and hopefully the opportunity to test approaches. So, there may be trials of approaches in policing, but that can only happen if the Chief Constable and the local force are willing to participate, but as the professional body, we should be able to co-ordinate that.

Q230 Dr Huppert: A number of officers are doing a whole range of programmes. For example, there are a number at the University of Cambridge. Are you proposing that at some point particular ranks or particular roles would require particular university qualifications or, indeed, any university qualification at all?

Alex Marshall: I have not got into that level of detail yet. Clearly, we want to make sure that senior people in policing have the right skills and understand how academic research works, and already many senior officers will have a Master's degree or other research experience within a university environment. At this point, I would not say that for a particular level you must have a particular academic qualification, but as we get into the detail of the professional body, working with its membership, we will address that.

Q231 Dr Huppert: You are saying you would not say that because you have not thought through it, or you would not say that because you do not believe that that would be the right answer?

Alex Marshall: Because I want to work with the membership to establish for the best in policing, taking a long-term view, what skills and academic qualifications we are looking for, and I do not think I have come to any firm view on that yet.

Q232 Dr Huppert: But it might be that a Master's would be a requirement for some level of rank?

Alex Marshall: In theory, it could be but I have not reached that point yet.

Q233 Chair: Mr Marshall, is there merit in actually calling this the Royal College of Policing, bearing in mind what the Home Secretary, the Government and Parliament want to do is to try to make policing much more of a profession, such as those represented by the Royal College of Surgeons and the Royal College of Physicians? Is that perhaps one of the things that you would like to see happen?

Alex Marshall: Sir, it is absolutely my aim that policing becomes an established profession, where we have continuous professional development and we can point that the way we operate is comparable with any other profession. In terms of the “royal” status, I would like to see us move towards that. I have to be very careful, because it is the Privy Council who grant the Royal College status and then the title can only be used with permission from the Queen. While I would like to get to that point, there are many hurdles for me to get through before I can get there.

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Q234 Chair: In respect of your answer to Dr Huppert, you were at the Committee seminar when Sir Bernard Hogan-Howe talked about the Metropolitan Police funding universities directly. Do you think it would be better if those resources were spent on the College of Policing, or is that a parallel operation that can go on?

Alex Marshall: It could go on in parallel. I am meeting with the Commissioner, and I have already spoken to Assistant Commissioner Simon Byrne about this issue. I would rather the College and the Metropolitan Police work together on this.

Q235 Chair: Indeed; in other words, they would be supporting you in what you are doing rather than going to individual universities?

Alex Marshall: I would like to see it come through one channel, and, to be fair to the Commissioner, I only started last week and he wanted to get his ideas moving before I was in post.

Q236 Steve McCabe: Mr Marshall, I would like to ask a few questions about the structure of the College and how it is going to work. We know that the chair of the board will be paid up to £57,000 for up to two days' work per week. What are the other members of the governing group going to be paid, and will they work full-time or will they work part-time also?

Alex Marshall: My understanding, sir, is the other members of the board are not paid. They are expected to work for about two days per month on the board.

Q237 Steve McCabe: So, no pay; does that mean they will be receiving expenses or something?

Alex Marshall: My understanding is they will receive expenses where they are due, sir, yes.

Q238 Steve McCabe: A number of the NPIA functions are being transferred to the College. How do you think the College will deliver its training and standard-setting functions differently from what we are used to with the NPIA?

Alex Marshall: I want to make sure that I am providing the standard setting and the training that everyone in policing needs to improve standards. I think there will be some areas of very specialist training. For example, covert policing is an area that is so sensitive and so specialist that it will stay within the professional body. Perhaps some of the senior leadership training will stay within the professional body. I need to look at all other areas of training and make sure that it is appropriate, that the professional body is both setting the standards and licensing the training and then delivering the training itself. I think there is an opportunity for forces and collections of forces and other training providers to come into that market and do some of the training themselves.

Q239 Steve McCabe: I realise you are at the very early stages of this, so I understand it may be hard to be too definite, but if I am looking at this, say, in three years' time, what will I see that will be visibly different? What would be the first thing that would strike me and make me think that it is no longer the

National Policing Improvement Agency? Will there be an obvious new definition of standards and training?

Alex Marshall: You will see a professional body, sir. You will see an organisation that its members, in all aspects of policing, look to for knowledge, advice and guidance. You will see a firm relationship with universities where the College of Policing has a "what works?" centre and makes very good use of academic research right into practice on the ground. You will see the best aspects of policing, many of which have emerged in the last three or four years during this period of austerity. Lots of brilliant new approaches have arisen in policing. I want to make sure we are describing the best of those approaches in plain English and giving everyone the opportunity to roll those practices out across every force.

Q240 Steve McCabe: So, that is one way we will be able to judge and measure your progress. Mr Huppert asked about the status of the College as an interim limited company, but the plan is to be defined by statute. What are the main things that will need to be set out in statute? What is it that needs to happen?

Alex Marshall: The objectives of the College, the powers that the College has, its ability to generate income, and its clear status in law will have to be set out.

Q241 Steve McCabe: It may seem as if I have not quite grasped this, but I am trying to understand: why does that have to be set out that way? Why couldn't you carry on, as other policing organisations do, as a limited company?

Alex Marshall: At the moment, sir, to operate independently from the Home Office or Government is very difficult, because the one shareholder is the Home Secretary. There is a clear declaration, from the Home Secretary and the Police Minister, that the College of Policing will be independent. At the moment, I have to seek permission from the Home Office to recruit people into the organisation. The funding comes directly from the Home Office, and I am subject to all the accounting rules and the ways of operating that are found within the Home Office and Government. It needs to be created separately in statute to have more freedom to operate.

Q242 Steve McCabe: So, in large part it is to define your independence?

Alex Marshall: Yes.

Steve McCabe: Thank you.

Q243 Chair: Can you confirm how many members of staff you are going to have in the College of Policing?

Alex Marshall: Sir, I will start the detailed design next Monday, on 18 February. The design will be finished by the end of June for me to then present it to the board. Involved in the design work will be people from all parts of policing, as well as members of the College. At the end of the detailed design phase, we will know exactly what it looks like—for example, how the different parts are made up—and it is only then that I will be able to assess exactly how many people I need. I have roughly 600 people who have

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come to me from predecessor organisations, and I would anticipate it will be a smaller organisation in the future than the one I inherited.

Q244 Chair: You have 600 who are transferring over at the moment?

Alex Marshall: Yes, sir.

Q245 Chair: You will have to find something for them to do, presumably, once you have built your organisation. But you have 600, correct?

Alex Marshall: To be clear, Chairman, they are very busy now. They are delivering various parts of training, overseeing promotion and exam processes and various other roles, so they are fully occupied in the roles they were carrying out in the predecessor organisation.

Q246 Chair: You have been there for 10 days. You have 600 staff. We do not know yet what they are going to do, but at the moment they are busy doing what they are doing already. Is that it, roughly? They are undertaking other functions that they have already been carrying out?

Alex Marshall: For example, sir, there are people involved in setting standards for recruiting into policing.

Q247 Chair: Are they physically all in Marham Street? Where are you based at the moment?

Alex Marshall: No, they are Harperley Hall in Durham and in Harrogate, Yorkshire.

Q248 Chair: They are all over the place?

Alex Marshall: Yes.

Q249 Chair: How many centres are they in?

Alex Marshall: Five centres.

Q250 Chair: But they are still under you as the Chief Executive?

Alex Marshall: Yes, they are.

Q251 Chair: What is your budget?

Alex Marshall: My budget for next year is about—

Chair: “Next year” meaning 2013 and—

Alex Marshall: 2013–14 is about £50 million.

Q252 Chair: Do you how much was the budget for the predecessor organisation?

Alex Marshall: I do not know the detail. It was larger, much larger, because it had responsibility for IT and running databases and other functions that—

Q253 Chair: Which has gone elsewhere in the new landscape?

Alex Marshall: Yes.

Q254 Chair: When do you think you will be able to come to this Committee with a firm plan as to how this organisation is going to look?

Alex Marshall: The detailed design will be finished by the end of June. I will then present it to the board, I would hope, in July or August, so I should be able

to come here in the autumn to give you a clear picture of how the organisation will look.

Q255 Chair: Can you just confirm to us your salary as Chief Executive?

Alex Marshall: £180,000, sir.

Q256 Chair: How many personal staff do you have in the organisation? Do you have staff officers as you had as Chief Constable of Hampshire?

Alex Marshall: I have a staff officer, yes, sir.

Q257 Chair: You just have one member of your staff with you, or do you have a bigger private office? We are trying to envisage how this is all going to work. How are you going to put together this huge enterprise by the end of June with one person?

Alex Marshall: No, sir, to do the detailed design work I am bringing people in from outside of the College to work with people within the College, to make sure that what we design is what my members would want; so, members of the Police Federation, Superintendents Association, from the unions, from other parts of policing, from non-Home Office forces will be working with six to 10 people from across the College who I am selecting to work on this team. The team will be flexible depending on the skills it needs, but about 12 to 15 people will be working full-time, from next Monday until the end of June, to work up the detailed design.

Q258 Chair: This is not the Public Accounts Committee, but we are interested in these matters. Do you know how much of the £50 million that you have as your budget is going to be on start-up costs, as opposed to, “Let’s teach these police officers who have come to the College”?

Alex Marshall: No, sir.

Q259 Mark Reckless: Will all police officers be members of the College?

Alex Marshall: My aim is they will all be members of the College, yes.

Q260 Mark Reckless: How about police staff and PCSOs?

Alex Marshall: Yes.

Q261 Mark Reckless: Special constables?

Alex Marshall: Yes.

Q262 Mark Reckless: When you say your aim is they will all be members, will they be required to be, or are you going to attract them voluntarily by giving a service that they will want to use?

Alex Marshall: My starting position is they are all members of the professional body, and I am there to provide this service of knowledge, to give them access to material and best practice and set out continuous professional development. We need to work out through the detailed design of how you become a member formally, but my starting position is everyone currently working in policing will become a member of the professional body.

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Mark Reckless: So, it will be compulsory? Is it compulsory?

Alex Marshall: It is not compulsory, because as yet we do not have a detailed design of how the membership operates. My working assumption is everyone will become a member. I am working for all of my members.

Q263 Mark Reckless: Will your members have to pay for their membership and, if so, have you any idea how much that would be?

Alex Marshall: No. For the first two years I know there is funding from the Home Office that should sustain the organisation. I need to come up with funding proposals for year three and beyond.

Q264 Mark Reckless: What would you highlight that you believe officers will get from your organisation that they do not get from any of the current bodies in policing, including the Federation?

Alex Marshall: They will get clearly laid-out continuous professional development, in a way that we do not have in policing at the moment; so, each year your professional development will be laid out. The expectation will be placed on you to make sure you maintain and improve your skills and knowledge of policing. Easy access to knowledge in the area that you work in in policing will be offered, so you will know to go to the professional body because you work in crime and you want to know the latest on this area of crime, or you work in neighbourhood policing and you want to see the best model of neighbourhood policing. It will set out how you progress through your career, how you specialise and what the standards are in each of those areas.

Q265 Mark Reckless: Is there any prospect that the sergeant and—to a lesser degree, I think—inspector exams might move away from an emphasis on memorising criminal law to perhaps a greater emphasis on leadership skills?

Alex Marshall: One of the early items in my in-tray is the current exam system called OSPRE. It has been around for many years. It is seen as very high quality across other sectors, but within policing there is an alternative, which is work-based assessment; in other words, seeing how somebody performs in the field rather than through those tests. Over the next few weeks the College will need to decide with its members which promotion system we go forward with.

Chair: Thank you. We are about to have a Division, Mr Marshall. So, rather than interrupt your evidence, we are going to suspend the Committee and then come back as soon as the vote is over. We are three-quarters of the way through, you will be pleased to know, so it is an opportunity for you to have a breather. I will suspend the Committee until the Division is over. Thank you.

Alex Marshall: Thank you, sir.

Sitting suspended for a Division in the House.

On resuming—

Q266 Chair: Let us resume the Committee proceedings.

Mr Winnick: Chief Constable, the actions of police officers, day in and day out, are of course appreciated. These are not empty words. They are the feelings of all Members of Parliament and the vast majority of the public, certainly all those who are not in any way engaged in criminality. I should just like to preface my questions by saying that the brutal shooting and murder of the two police officers in Manchester so recently illustrates the work that the police do, so there is no “but” or “however” or “what have you”. What I want to ask you is, recognising what I have just said, is there a possibility that the sort of negative features of the police are less likely to arise from the College of Policing?

Alex Marshall: The College, the professional body, has to set and maintain the very highest standards from the moment people apply to join the police, at every stage in their career, when they are promoted and when they go into specialist posts. As a professional body, I will be looking at a new code of ethics for all police officers. I have looked at the Northern Ireland model, which they brought in when they changed from the Royal Ulster Constabulary to the Police Service of Northern Ireland. It spells out in very clear terms what is expected of everybody and what they must do actively to ensure very high ethical standards.

Q267 Mr Winnick: At this juncture, when we look at the more negative aspects: Hillsborough; the death of Mr Tomlinson; undercover agents—which has already been dealt with—the shooting of a totally innocent person on 21 July 2005, a fortnight after the terrible atrocities; then, going back some years, of course, the Birmingham Six; and then only two years ago the shooting of Mark Duggan, in circumstances that are far from clear and which many people believe did initiate the rioting, how much do you feel, Chief Constable, that those negative aspects have undermined public confidence in the police?

Alex Marshall: Sir, as you said at the beginning, I think most people judge policing on the service they get locally. For example, if your neighbourhood team care about what is going on in the local area, work to solve problems long term and are part of that community, that creates a lot of trust. I am very pleased to say that the general level of trust in policing is still very high and has stayed high, despite many of the things that you describe. I would also point out that over the last few years, despite the budget cuts, crime has fallen substantially. The Olympics were policed to a really high standard and the Jubilee celebrations were an example of sensible policing connecting with local communities.

Do I think that the events you have listed have created a serious question mark over the integrity of policing? Yes, I do. I think the College of Policing, the professional body, has a very big role to play in removing that question mark. Police officers will always get into difficult situations, where they have to make a decision quickly in the most difficult of circumstances, and they will not always get it right. But the professional body has to make sure we equip those officers and police staff making those difficult decisions with the skills, training and experience, and

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access to knowledge, while they are out and about in the field that helps them make even better decisions.

Q268 Mr Winnick: As a very senior police officer, did what the Prime Minister said in his statement to the House at the time of the Hillsborough inquiry come as a shock to you?

Alex Marshall: I think in any of those major events where police integrity is called into question—and I have to say the Hillsborough event is still being properly investigated and there is no outcome to that inquiry as yet—those comments from the Prime Minister are a reflection of how people feel when they hear about things that go badly wrong in policing. We hold coercive and intrusive powers and we must use them wisely and professionally, and we have to do so with integrity.

Q269 Mr Winnick: Is it intended as the procedures of the College to strike off police officers?

Alex Marshall: It is my intention, sir, that somebody who has transgressed should not be allowed to continue and, therefore, they should not be a member of the professional body anymore. For example, someone who is dismissed as a result of misconduct hearings should, in effect, have their certificate to practise withdrawn.

Q270 Mr Winnick: Does that include all ranks of the police?

Alex Marshall: Yes, sir.

Q271 Mr Winnick: Without exception?

Alex Marshall: As yet, we have not fully designed the professional body. That is the work we are doing over the next few weeks and months. It is my long-term intention that, once we have a register of all of our members, if you are found guilty of misconduct, you can have your registration withdrawn and be dismissed from the police.

Q272 Mr Winnick: Including Chief Constables—

Alex Marshall: Yes, sir.

Q273 Mr Winnick:—and presumably the Commissioner of Police, if that ever arose, the Metropolitan police chief?

Alex Marshall: Sir, it would apply to everyone in policing.

Q274 Mr Winnick: Everyone; good. A new conduct for the police: is it intended that there should be a code initiated from the very beginning, which all police officers of whatever rank will be expected to adhere to?

Alex Marshall: Yes, sir, and there already is. They already swear an oath, and there are already statements they must adhere to concerning behaviour.

Q275 Mr Winnick: Is this a new code or the same?

Alex Marshall: No, I want to introduce a new code of ethics in the style of that used in Northern Ireland, which was introduced in 2008.

Q276 Mr Winnick: And what is the difference between that and the existing code?

Alex Marshall: The code in Northern Ireland is clear. It lays out for all officers and staff in Northern Ireland in plain English exactly what is expected of them, and there is a positive obligation, for example, on supervisors to be intrusive in making sure that standards of integrity are upheld.

Q277 Chair: Thank you, Mr Marshall. Would you be kind enough to send us a copy of the code? We could write to Matt Baggott and get it from him, but if you have a copy.

Alex Marshall: I have a copy with me, sir.

Chair: If you could leave it, if that is okay, that would be wonderful. Steve McCabe has a supplementary to a previous question that was raised.

Q278 Steve McCabe: Yes, I want to check—in answer to Mr Reckless, I thought I heard you say that all people employed by the police would be members of the College. I wonder if that includes scenes of crime officers, interpreters and other civilian staff and at what point you would stop recruiting people into the College. While I am on it, how will people cease to be members of the College, apart from those who are struck off, which I think I probably can guess at?

Alex Marshall: At the moment, sir, we have not laid out how the membership will operate, because we do not have the detailed design. I have been in post for a week. The detailed design starts next week, so please allow me the two weeks to reach the point of getting into the detailed design. My ambition is that everyone who works in policing will be a member. So, all of the roles you mentioned, whether important investigative tasks, helping the public, catching criminals and reducing crime, are part of people's work and they will be a member of the College of Policing. When you leave policing, you will no longer be a member or, if you are dismissed from policing for misconduct reasons, then you would no longer be a member.

Q279 Chair: If I want to be a police officer—just to explain in simple language to those who want to join the police force—I do not apply in Leicestershire any more. I apply to become a member of the College of Policing, is that right? Or do I apply in the normal way to become a police officer in Leicestershire and you hope that they will also become members of the College?

Alex Marshall: Exactly how membership is established needs to be worked out with the members in the detailed design over the next few weeks. Already—

Q280 Chair: We do not know at the moment?

Alex Marshall: No, we do not. Much of the recruiting is already done nationally, and then forces are given the results of that national recruiting. We are likely to see that the College will set the standard for recruiting across all forces. The College will also have a responsibility for providing information to the public and people who are interested in joining policing, so people can see what they need to do to apply and join the police service.

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Q281 Chair: If you look at the Royal Colleges, for example—and you are seeking to make it into a Royal College—you do not have to be a member of the Royal College, but you have to pass the exams that they set. In effect, most people are members of the Royal College, but it is not a compulsory thing.

Alex Marshall: In most of the professional bodies I have looked at, Chairman, if you are not a member of the professional body, you cannot practise.

Q282 Chair: In conclusion, can I deal with some points that were raised by the Home Secretary this morning? Of course she announced the register of second jobs, and presumably you were aware that she was going to make this statement?

Alex Marshall: I was aware of some of the content but not the full detail, sir, until I heard it today.

Q283 Chair: You are going to be responsible for policing the register, is that right? The register of second jobs is going to come under the College of Policing¹?

Alex Marshall: I am not aware of the detail of that proposal. I do know that it is the intention of the Home Secretary to publish that register nationally. Where the register is held I don't think is certain.

Q284 Chair: It is very strange that with something as important as this people should not tell you in advance what they expect of you. I am not saying that the Home Secretary should ring you up every day, but if you come before Parliament and you make a statement to say that the College of Policing is going to be involved in policing a register of gifts, hospitality and second jobs, then perhaps the chief executive ought to know about this.

Alex Marshall: Sir, the Home Secretary did inform me of the intention of her speech today and the main content of it, and my understanding is that the College of Policing will have the role in setting the standard for forces to follow in that area.

Q285 Chair: Yes, but not looking after the register?

Alex Marshall: Not for keeping the register.

Q286 Chair: Where will that be?

Alex Marshall: I think it needs to be established which national body best holds that register, sir.

Q287 Chair: Are you ready to have it if they give it to you?

Alex Marshall: I am happy to discuss it if it wants to come to the College of Policing, but there might be other national organisations where it would sit better.

Q288 Chair: Like—

Alex Marshall: Her Majesty's Inspectorate would be one example if they felt it was appropriate for them to take that on.

Q289 Chair: At the moment, of course, 23,000 police officers have a second job. You are aware of that?

Alex Marshall: Yes, sir.

Q290 Chair: At the start of this organisation, do you think in principle that police officers should be allowed to have a second job? Should it still rest with the local Chief Constable to decide whether or not they should be able to take up these second jobs? As a matter of ethics, you as Chief Constable presumably had lots of people who wrote to you and said, "I am a serving police officer in Hampshire, but I also work as a decorator at weekends". Presumably you had such requests?

Alex Marshall: Absolutely.

Q291 Chair: Did you turn down many?

Alex Marshall: I did not deal with them personally. I set the standards for the organisation. Lots were turned down if, for example, they were in the area of licensing or an area where policing might come into contact with that business and, therefore, it would be inappropriate because there would be a conflict of interest. Similarly, lots of people want to be sports coaches or do a bit of woodwork or do other things for a small number of hours per week, and in those cases there are clear regulations on business interests. I wouldn't object to somebody carrying out that business interest, for example, as a cricket coach.

Q292 Chair: There will be a national register. We know that. It has been announced today, but we do not know where it is going to sit and we do not know when it is going to start, but we will obviously ask the Home Secretary about that. As far as corruption issues are concerned—and obviously we know this only applies to a small number of police officers; that is what the figures show us—will you have any responsibility for dealing with that?

Alex Marshall: With investigating corruption?

Chair: Yes.

Alex Marshall: No.

Q293 Chair: Will you have any responsibility for dealing with the ethics of advising people what they should and should not do?

Alex Marshall: Yes.

Q294 Chair: You will; that is clear now. That is not something that is going to come to you. That is built into your core tasks, is that right?

Alex Marshall: I said at the start, sir, one of our main priorities in the first year is integrity and working with Chief Constable Mike Cunningham. We are already commissioning some work to research the best examples across all sectors of high integrity and successful leadership, as well as learning lessons from recent cases where integrity has been called into question, to make sure that the College sets the standards going forward to avoid those mistakes in the future.

Q295 Chair: In terms of the vetting of police chiefs that the Home Secretary has announced today, as you

¹ Home Secretary's speech 12 February: "... and in line with the recommendations made by Lord Justice Leveson, national registers of chief officers' pay and perks packages, gifts and hospitality, outside interests including second jobs, and their contact with the media will be published on-line".

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know we have had a lot of vacancies recently; I think 12 vacancies of Chief Constables. I am not sure, but I understand they have been filled. Of course, these rules come too late for them to be vetted. Will you be responsible for that? Will that sit with you, or do we not know where that is going to sit?

Alex Marshall: The College will set the standards for vetting across forces including the standards for chief officers.

Q296 Chair: If somebody is applying to become the Chief Constable of Leicestershire—I keep mentioning Leicestershire, but you will understand that is my home town, and of course there is no vacancy, Simon Cole is very much there—would they come to you and say, “Please vet this Chief Constable for us”?

Alex Marshall: No, the professional body will set the standard and is likely to say, “You cannot fulfil that post until you have completed the vetting. Here are the standards of vetting you must complete”.

Q297 Chair: In respect of foreign police officers, who I understand are now in the UK—I do not know whether you have seen the report that, for example, there are a number of Romanian police officers who have come over to serve with the Met—because of the high level of crime in certain communities associated with other countries, will you have any responsibility for setting their standards?

Alex Marshall: The professional body will set all the standards for vetting across all areas of policing.

Q298 Chair: For any police officer who serves in the United Kingdom?

Alex Marshall: Yes.

Q299 Chair: But since we have all these foreign police officers coming over—we do not know a number yet, but apparently there are officers coming from some countries to work with our Met—will you be notified of the existence of these officers, or you will just set the standards and send it off to the local police chief?

Alex Marshall: We would set the standard for every force. But equally, individual forces have to be clear about the vetting requirements they have for anyone working in any of their buildings. The Metropolitan Police has their own responsibility for setting standards of anyone working within their organisation.

Chair: Thank you; Mr McCabe, then Mr Winnick, and then we will close.

Q300 Steve McCabe: Chairman, I do not know if I am missing something here. I am struggling to understand how easy it is going to be for the College to set the standards and the code of ethics but for someone else to be responsible for enforcing the College’s code and standards. Off the top of my head, I cannot think of an organisation where that actually happens. If you are responsible and they are your standards and your code of ethics, wouldn’t it be normal to expect the College to also try to enforce them? I may have misunderstood, but if I have understood correctly, Mr Marshall, it sounds as if what you are telling us is that you will set them but

hand over responsibility for their enforcement to somebody else. How are you going to know that they are being properly interpreted and enforced?

Alex Marshall: In terms of the standards or the code of ethics being delivered across the country, I will work with all the Chief Constables to make sure that we all apply the same standards in every force. Where training is delivered, the professional body will set the standard for training. The professional body has responsibility for checking that training is delivered to that standard, and at various points in your career, for example, people going for promotion or a specialist post, there are again opportunities to make sure that people are compliant and living to those standards and values. In terms of investigating a breach—misconduct, for example—then that is a matter that sits with the Independent Police Complaints Commission, not with the professional body. In terms of inspecting forces for their efficiency and effectiveness, that sits with Her Majesty’s Inspectorate.

Q301 Steve McCabe: Isn’t it possible that someone could have committed a breach of discipline but not necessarily have breached the standards? Therefore, they may be deemed to be guilty at one level but not at the other. What would happen to a person in those circumstances?

Alex Marshall: I am not sure I fully understand the example, sir. In the code of ethics of the Police Service of Northern Ireland, it lays out quite clearly the type of behaviour that is acceptable, how you should treat the people we serve, members of the public, and a breach of that will get you into trouble. It is for the forces and for the Independent Police Complaints Commission to deal with individual cases of misconduct.

Q302 Steve McCabe: The example I was thinking of was there have been numerous examples of police officers with second jobs, where the suggestion has been that they have been given permission but actually when the detail of the second job has been examined, questions have been raised. As I understand it, the argument that is generally employed by the Federation is that they say it was not sufficiently clear that they were not permitted to do this.

Alex Marshall: In that type of instance, sir, then the service, the professional body, has to take responsibility for making sure it is clear. In the example you give, it is covered by regulations. It is covered by law.

Chair: Thank you.

Q303 Mr Winnick: On hospitality, arising from some of the questions put to you by the Chair and by my colleague Mr McCabe, do you feel that the regulations or the practices could well be tightened, in view of some of the incidents that have occurred certainly arising from phone hacking?

Alex Marshall: We should be completely open about all hospitality and all types of contacts that you are referring to. There is very good guidance already existing nationally, and Transparency International came in and did some work with the Association of

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Chief Police Officers, which highlighted how you can be even more transparent in those sorts of areas.

Q304 Mr Winnick: If a senior police officer has a meal which is quite possibly above board and nothing sinister whatsoever, as Chief Executive of this new college would it be your view that that should be registered?

Alex Marshall: Yes.

Q305 Mr Winnick: So, all forms of hospitality should be registered?

Alex Marshall: Yes.

Q306 Mr Winnick: It has come to our attention during evidence on other matters that a very senior police officer received medical treatment free. There is no question of that particular person's integrity being questioned, as I said at the time, but would you consider it a desirable practice for any police officer of any rank, from the most junior to the senior, to receive free treatment? Private free treatment I am obviously referring to.

Chair: Mr Marshall, if you do not know the answer, you can say you do not know.

Alex Marshall: I am sorry, I don't know.

Q307 Mr Winnick: You do not know that particular case, and I am not pursuing that case, but in the future,

Mr Marshall, what would the code lay down if anyone of any rank received free medical treatment?

Alex Marshall: If it was given as a gift or in the form of hospitality, which does not seem to fit very well, then all gifts and hospitality should be declared. I think that is as far as I can go with that, sir.

Mr Winnick: Thank you very much.

Chair: That deals with it. Mr Marshall, thank you for coming before us. We have high hopes for you and this organisation. We support what you are saying about trying to build a world-class brand for British policing, and we share your enthusiasm. I think you said you found this was "a fantastic opportunity to replace bureaucracy and unnecessary policies in policing with practical, common sense approaches based on the evidence of what works". It must be wonderful to have your words being quoted back at you, but we really do wish you all success for the future. We will take a great interest in the work of the College of Policing, because you have very important responsibilities. We look forward to seeing you again in the future with some firm plans as to how you can see this organisation developing. Please do keep us updated, and the very best of luck in your new appointment.

Alex Marshall: Thank you.

Chair: Thank you. That concludes the Committee's deliberations for today.

Tuesday 23 April 2013

Members present:

Keith Vaz (Chair)

Nicola Blackwood
Michael Ellis
Dr Julian Huppert
Steve McCabe

Mark Reckless
Chris Ruane
Mr David Winnick

Examination of Witnesses

Witnesses: **Dal Babu**, Chief Superintendent (retired), and **Mike Fuller**, Her Majesty's Chief Inspector of the Crown Prosecution Service, gave evidence.

Q308 Chair: Chief Inspector and Mr Babu, thank you very much for coming to give evidence to the Committee. Yesterday was the 20th anniversary of the murder of Stephen Lawrence, and those of us who attended the service heard some very powerful speeches about how things have changed and how things have not changed. Looking at the last 20 years and looking at the tragic death of Stephen Lawrence, did he die in vain as a result of his death? Have there been those changes in terms of diversity in the Met, Mr Babu?

Dal Babu: He did not die in vain in such tragic circumstances. Stephen Lawrence would have been 38. It was absolutely horrific how the case was dealt with at the time, and the police service has come a huge distance from how murders were then investigated. At that time there were no single murder squads. You would go to different CID offices. You would pluck individuals from those CID offices, and they would then be part of the CID team that would investigate a murder. We now have full-time murder investigation teams. They are much more professional. We have family liaison officers, which was one of the recommendations that came out of the Stephen Lawrence inquiry. I think, in terms of the investigation of the crimes, they are much more effective than they were at that time, and you can see that from the success rate of the murder investigations where frequently over 96% of the individuals who murder—

Q309 Chair: But what about in terms of the black community, in the BME community in London? Many complain that they are stopped and searched much more frequently than white people. It is now 10 times more likely, is it not?

Dal Babu: Yes. In terms of diversity of the police service I think there is still a considerable challenge. If you look at the proportion of BME police officers in the 30 years I have been in the police service, it has gone from 1% to 5% in 30 years. If you look at the number of police officers who are promoted to the chief ranks, that has gone down. At the time of the original investigation there were nine officers in ACPO, the Association of Chief Police Officers. At the time that Stephen Lawrence's killers were convicted we had none in London and we had three throughout the country, so the numbers had gone down quite significantly. We now have four. If you look at every single area, whether it is at the very top

or at the most junior ranks in terms of recruitment, in terms of specialist departments, there is still a big challenge.

Q310 Chair: Mr Fuller, you are an example of the success. You were the first black chief constable. You served for six years in Kent and on your appointment you said that the perception of the glass ceiling has finally been broken, yet since your appointment nobody else has been appointed and there are no black or Asian people on the Strategic Command Course. There are no ACPO-rank black or Asian people. It seems to have gone back to 1994, if you like.

Mike Fuller: Yes. That is disappointing. I was in the Met for 26 years and rose from cadet to deputy assistant commissioner and I was in the Specialist Crime Department and was involved in setting it up—I also had responsibility for writing the action plan, and this was before the Macpherson inquiry reported. The task I was given—and my promotion was delayed—was to come up with some ideas to improve the Met response both to crime investigation, which was my forte, but also, more generally, the relationship with the communities.

In a nutshell—and this is probably not doing it justice—I looked to America for some of the ideas; the idea of responding to critical instance and the police being aware that there were some crimes where, because of the racial nature and overtones, they had the ability to evoke tension within communities. To cut a long story short, we carried out training with staff that was led by DAC John Grieve. We introduced this concept of the golden hour. First aid training was introduced. Family liaison was introduced. One of the things that I suggested and recommended was the reviewing of murder investigations, which was resisted initially but was eventually accepted; so murder investigations were routinely reviewed following a medical model. I think a lot of those things that I just mentioned are still in place and have stood the test of time.

Q311 Chair: They have, but you are not dealing with one of the central issues, which is why have you been, in 2013, the only black chief constable this country has ever had? What has gone wrong since those marvellous words of yours, that the perception of the glass ceiling has finally been broken?

Mike Fuller: To a certain extent one should be asking the police service that and those who are involved in the selection of officers.

Q312 Chair: You think that is where the problem is?

Mike Fuller: Yes. I think it is because they have the ability to change things, but what I would say is there are things I feel that can be done and there is a model of good practice. My day job is the Chief Inspector of the Crown Prosecution Service. You will have noticed, just very quickly, since 2000 when they had 5.8% BME staff members, they now have 15%, in 2013, which is far higher than the police service.

Chair: Is that because of you?

Mike Fuller: It is not because of me at all, but the point is they have done some things that I did in Kent. They created an inclusive environment. They have looked at their promotion processes. There is an independent element. They have lots of support networks, which the organisation listens to, they raise issues about internal policies and the impact those policies are having on various groups. If you remember, Macpherson talked about unintended consequences. The CPS may have other failings, but at least their representation is very good.

Q313 Chair: You have, presumably, the number of chief prosecutors—

Mike Fuller: We have three chief Crown prosecutors.

Chair: Which would be the equivalent of a chief constable?

Mike Fuller: It would be in some respects.

Q314 Chair: But when you left Kent, having made an impact there and increased the number of BME officers, the number of BME officers went down. So what is the guarantee? Obviously you do not have this job for life as Chief Inspector of the CPS. When you leave that organisation the same thing might happen again.

Mike Fuller: That is always a risk, and it depends on the person at the time. One of the things I did was to make it quite clear that racism would not be tolerated, very much a zero-tolerance policy, and that has to come from the top and there has to be will from the top and the top management team and a governance mechanism as well, in terms of the governance of the police service. They have the ability to change all these things. The important thing is to sustain policies, because that has not happened in the past. The police service has often been very reactive to crises and introduced and done some very good things but not sustained them.

Q315 Chair: Mr Babu, you have left the force, of course, after 30 years of distinguished service, your last post being commander in Harrow. You may not have seen the comments made by the Commissioner last week to the *Evening Standard* when he said that we could have our first black chief within the next 10 years, but then you look at the pool of people at commander level and chief constable level and you do not see any black people there to choose from because this is obviously something that is progressional. Do you support the view that we should

bring people in from outside, perhaps from America or elsewhere, at that level if we are going to change the nature of the Metropolitan Police and the other police forces?

Dal Babu: I am not a fan of direct entry. I think you need to have an understanding of the complexity of your communities and understand the complexity of policing. The difficulty and the challenges that we will have is, if individuals are brought in, how much confidence will the community have in, for example, an accountant who becomes a chief constable? Nothing against accountants, but I think there is a real challenge there about understanding the complexity of policing. I don't think there is the conveyor belt for police officers from BME backgrounds. We have had some limited success on gender, and the police seem to be much more comfortable in dealing with gender.

Q316 Chair: Why are they more comfortable dealing with gender?

Dal Babu: Well, I think there are some real changes in the way we deal with domestic violence and the way we deal with rape allegations, which has come as a result of the way we deal with having women in senior positions. I am afraid that has not translated when it comes to minorities. There is a real business case that shows when you have people from different backgrounds you have that cultural intelligence that you can use from different groups, and then you can effect a real change in those individuals. I recall when I first joined the police service how we had four minority MPs and you, sir, were one of them. There has been a huge amount of progress if you look at the MPs across all the political parties. We just have not had that translated into the police service, and there is a danger that the police service will be seen as a Republican party that has not changed as society changes. I think that is a real challenge.

Q317 Chair: A final question for you: were you disappointed when ACPO did not accept your highly successful mentoring scheme that saw so many young black officers promoted? As you pointed out, it was a no-cost option. Eight out of the 11 officers who were promoted were promoted as a result of being part of that mentoring scheme. There are cheap ways of doing this, in other words.

Dal Babu: Absolutely. That was absolutely no cost. I was approached by a group of black and Asian inspectors who expressed concern about the fact that in the previous few years so few had been successful and a group of them wanted me to organise a boycott of the system, and I felt we should work with the system and see what we could do to try to move forward. People would come to my house. A number of officers were assisting with that, and we got eight out of the 11 through at no cost to the organisation. Now, when I suggested that scheme to the tripartite group, it was turned down, and what I was suggesting was that we extended that to ACPO and their Senior Command Course; and, of course, this year we have had nobody go on to the Senior Command Course. I was extremely surprised that that scheme was not accepted by ACPO.

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Q318 Nicola Blackwood: Mr Babu, I just want to take you back to the comments you made about the comparison between gender recruitment and BME recruitment and your link with gender recruitment and domestic violence and rape cases. You said that there was an understanding of the business case for improving gender recruitment but not BME improvement. Do you mean that you think the police force, because they wanted to improve their handling of rape cases and domestic cases, needed more women in the force and therefore went about that more vigorously than recruiting BME candidates?

Dal Babu: Not entirely; I saw, by the fact we had more women in the police service and they became more senior and went into specialist roles, that they were able to give a better understanding of the issues around rape and domestic violence, and then, as a result of their being in the organisation, we changed our processes and procedures. It was a consequence of having more women in the organisation that led to—

Q319 Nicola Blackwood: Okay. But they did not then go about recruiting more women because they saw that outcome?

Dal Babu: That is not my understanding. My understanding is that once we had women in the organisation, women became more senior, were more challenging, expressed concerns about the way we dealt with domestic violence and rape, and as a result of that those processes and procedures were changed, which has led to a much more effective way of reducing domestic violence than we had achieved previously.

Q320 Mark Reckless: I should declare I am a member of the Kent Police Authority in which you were appointed, Mr Fuller, as our chief constable. Mr Babu, you mentioned that ACPO refused to accept your scheme for supporting minority promotions. I just wonder, Mr Fuller, when you had a role in ACPO, how extensive that was, and what do you think of ACPO's record in this area?

Mike Fuller: I gave my views to ACPO. They were minority views, and I suppose to a certain extent people felt they were predictable. For me it wasn't just about recruitment. It was having strategies to recruit, retain and develop staff. I wanted the issue of diversity tackled on many fronts. For some people that was too sophisticated. Certainly in Kent everyone was very accepting. We won lots of diversity awards. We always received an excellent grading from Her Majesty's Inspectorate of Constabulary, and we were fourth in the Stonewall Index. What I was looking to do was not crusading but to create a sustainable environment where everybody felt comfortable and they felt they belonged to the organisation, that we were focused on the key objectives that had been set by the Police Authority of reducing crime and building relationships with the community and everybody had a part to play in that, both within the force but also in terms of our relationship with communities.

It is the same principle I used when I set up Operation Trident to tackle gun crime in London. It is not a soft thing. The relationship with the black communities in

particular in London was essential in gleaning intelligence. We went from having no intelligence on people who were responsible for multiple murders to literally being inundated 18 months later with over 3,000 pieces of intelligence. It is more sophisticated than just having a recruiting strategy.

Q321 Mark Reckless: On Trident, are you concerned about the reported winding-up of that programme?

Mike Fuller: Yes, I am because, in a nutshell, when we set it up we looked back over 30 years and I think every five years there had been a specialist unit of some sort to tackle either the crack or drug-dealing in London, where there was violent crime associated with it, and it was quite predictable. That would occur every five years. What I felt was needed was something sustained. It might be scaled down or scaled up, depending on the extent of the problem. What you would not want to do is lose any expertise or intelligence that had been built up over many years with the wave of a glove.

Q322 Mark Reckless: Although ACPO has failed to take up either of your ideas in this area, do you think there is scope for diversity with the new landscape of policing, with the elected police and crime commissioners appointing chief constables but also the chief constables on their own, or without the tripartite system, making appointments below that as well as the direct entry possibility? Will that open up the diversity at senior levels in policing?

Mike Fuller: My view is that it is about will. The will is there. The CPS has done it. It can be done. It is about the will of the people at the top and the people in governance of the service.

Dal Babu: I would say it is very much about police ownership. It is about police taking ownership. We hear the police talking about new legislation. I do not think it should be about new legislation. I think there is enough at the moment in terms of positive action to enable us to do things that will enhance the number of minorities and women in the organisation.

Q323 Mr Winnick: Reference has been made to the fact that it is 20 years since Stephen Lawrence was put to death. It is 45 years, or was last Saturday, since Enoch Powell made his outburst of "Rivers of Blood" speech, which I am sure has not been forgotten. I want to ask you how you found the situation at the time, Mr Fuller? I think you joined as a cadet in 1975. Mr Babu, you joined the Met in 1983. We have been told by other witnesses, police officers who are black, that the canteen culture at the time was, to say the least, very distasteful; remarks made, teasing and baiting. Perhaps "baiting" is a more appropriate word than "teasing". Has that basically changed, Mr Fuller or Mr Babu?

Mike Fuller: Yes, I think it has. Certainly when I left and we are talking three years ago, I did not see the open use of racist language that I saw commonly for a number of years when I started in the police. I also took heart from the fact that when I was in Kent the very junior officers would come to me with complaints of racism and police officers would make

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complaints, as opposed to when I started in the service I would hear racist language, complain about it and literally everybody in the canteen would say they had not heard it and would close ranks. So, I took heart from the fact, certainly in my last years in the service, that that practice seemed to be disappearing.

Mr Winnick: Would you say the same, Mr Babu?

Dal Babu: Yes. I think you make a very valid point, Mr Winnick, about the overt racism, and I think the levels are much more subtle now and what you do not see is that overt racism. When I joined I remember being physically attacked. I have been racially abused.

Mr Winnick: By fellow police officers?

Dal Babu: Yes, and it was acceptable and you would not be protected by the hierarchy. You had to stand your own ground. I think the challenge we now face is a more subtle level of discrimination.

Mr Winnick: Like—

Dal Babu: If you look at, for example, specialist departments, there should be no reason why minorities are not in specialist departments, and yet we see a huge absence. Specialist departments are virtually all white. In terms of promotion, you still see very few levels of promotion, and, in terms of entry into the organisation, you still see levels of practice that means that a high proportion of black and Asian officers fail at every single stage of recruitment, whether it is about vetting or whether it is around the selection tests. There is a real challenge around why we still have that high level of disproportionality, particularly of BME officers.

Mike Fuller: One of the things I did in Kent, and it was really to deal with either intended or unintended prejudice, was introduce an independent element in relation to promotion and selection processes. There would be somebody independent, an HR individual, who would oversee me, if I was doing the selection, or anybody else, and there was always an independent element involved in the selection. Interestingly, the CPS, coincidentally, do the same thing.

Q324 Mr Winnick: I have been looking at the tables of all the police forces in England and Wales. I find, for example, for the number of BME the percentage varies but not all that much, and the highest is 10% in the Met and 8.3% in the West Midlands. Does that surprise you at all? I mean, there are quite a number where it is certainly under 2%.

Dal Babu: There are some disappointing figures where you see a reduction in the number of minority officers, and I think what we see in the police service is a flurry of activity around equality issues and then it is not sustained. I don't know if we are looking at the same figures, Mr Winnick, but what you will see if you look a year on is a number of forces where those numbers have reduced. I think that is quite disappointing when there is supposed to be a huge focus on diversity.

Q325 Mr Winnick: Finally, do you believe that the cuts to police budgets and the rest will have an adverse effect?

Dal Babu: It will potentially, because you now need a Certificate of Knowledge in Policing for which you are required to pay £1,000 if you want to become a

police officer. In order to become a police officer you need to do that. You need to pay that money yourself. A lot of the colleges that are providing that are private enterprises. I am not entirely sure what their issues will be on diversity. There is also already evidence that there is a disproportionality of police officers who want to join the organisation. If I can just make this point about the myth that black and Asian people do not want to join the police service: 37% of the recruits who wanted to join the police service in 2012 in the London were from minority backgrounds. There is a danger that this myth has perpetuated about black and Asian people not wanting to join. I have had a fantastic career. It has given me a great many opportunities, as it has to Mr Fuller and there are lots of people like us who have had those opportunities, so people want to join.

Chair: Thank you. We just need to move on, because there are two more panels after this.

Q326 Steve McCabe: There are a number of different organisations that are helping black and minority ethnic youngsters get into politics and public affairs. They are supporting things like Uprising and Inspire. Why isn't there something similar that is deliberately encouraging and assisting these youngsters to look at a career in the police?

Mike Fuller: I think you will find that a lot of the staff associations have worked very closely with BME communities in working with young people, fundraising, building relationships with them and encouraging them to join the police. Ultimately, because of good experiences I had with police officers, as well as one or two bad—not that I did anything wrong—I had a good impression of the police and a good relationship with police officers, and ultimately that is why I chose the police as a career. What we have tried to do is replicate that, I suppose. I was one of the founders of the Black Police Association, and that was set up as a support network because so many people were leaving the Met at the time. With the agreement of the Commissioner, this was set up as a support network because many of the minority officers were getting a hard time both from people within the service but also from members of the community in London. The support network looked at trying to retain those individuals, and there was a stage where more officers were leaving than joining, so it was quite critical. Ultimately, we were successful in retaining staff, and I think what is a shame is that there was this political element that also developed in terms of the support networks.

Q327 Michael Ellis: Gentlemen, what are we going to do about this issue? That is what I would like to focus in on, if we may, because we have heard the points that you have made. I want to see what we can do to rectify this injustice and this imbalance. What would you advise be done?

Dal Babu: I have a list here, having spoken to a number of colleagues, and I was advised to come with a list to—

Chair: Is it a long list?

Dal Babu: No, sir. It is a short list. First on the list is the effective collection of data. There are no baseline

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figures of where officers are. We have the figures of how many minority officers we have in the organisation, but across the 43—

Michael Ellis: Per county?

Dal Babu: Yes. Minorities officers as a whole across the 43 forces, but we do not have an indication of where those officers are.

Michael Ellis: Within the forces?

Dal Babu: Yes. In terms of specialist roles, in terms of—I mentioned earlier on there is a dearth of minority officers in specialist departments. When Lord Ouseley asked a question in the House of Lords about where those officers were and in what specialist departments, the Home Office was not able to answer that question.

Q328 Michael Ellis: All right. Mr Babu, is that a means that forces currently have at their disposal? If they could publish where black and minority ethnic officers are within their individual constabularies, do you feel that could help?

Dal Babu: Mr Ellis, the point I am making is we do not have that data.

Michael Ellis: But you would like that data?

Dal Babu: Yes, and once we have that data we are then in a position to move forward and say, “This is the challenge that we have”. I think there are also issues around targets for specialist departments. There should be no reason why minority officers are not in specialist departments, but we do not have that. I think we need to look at cultural intelligence, cultural skills. Take language skills; where you have an area where you have a large Urdu speaking or a large Punjabi speaking population, I think we should be able to, in positive action, ask somebody for a language skill—it should be a desirable or essential skill—if we are going to have a police officer in that area. That would assist. I think we need to look at reviewing vetting procedures, because minority recruits are twice as likely at the moment to fail those processes. Internally, when they apply for specialist roles, they are then having some difficulties with enhanced vetting.

Q329 Michael Ellis: We would have to change vetting, then, across the board, though, wouldn't we?

Dal Babu: Not necessarily, sir. I think it is about what is it, what questions are we asking, on vetting. So for example, if you have spent time abroad, or if you have relatives abroad, it is a much more complex vetting process. We need to look at how that process is implemented. The final thing I would say is that we need to create some non-executive roles for policing, where you actually have someone who is prepared to sit at the top table and ask some challenging questions. Because, if you look at the police service, with all the evidence that myself and Mr Fuller have given, we still have that reluctance for people within the police service to stand up and say, “Look, these are the challenges that we have.”

Mike Fuller: My focus would be different, really. I am a product of what was called the special course, which is equivalent to the high-potential development scheme, and while my promotion was accelerated, it was not accelerated as fast as it could have been because I chose to go down the investigative route

and be an investigator. But the point is that the high-potential development scheme—a bit of a mouthful—is a national scheme. The selection of people for that scheme is critical and important, and it is an internal means of promoting people who have been identified with the requisite potential to reach the top levels of the service. Now, I benefited from that. I thought it was a good scheme. The training and development was excellent, and I think greater focus should be given to that.

Q330 Michael Ellis: I am just looking to fire a laser, if you like, into this. What practical changes could, for example, the College of Policing, could individual police forces, the Government—what practical changes could they make to better proportion—

Chair: It sounds like an essay title. Brief answers, please.

Michael Ellis: This is the nub of the matter. That is why I am asking it.

Mike Fuller: The high-potential development scheme is important because the guarantee was only to chief inspector level. So, you were guaranteed promotion to that level, but not any higher, and clearly the desire and wish is to have more senior people from BME backgrounds at the top of the service. So, there is potential for changing those rules, which are national rules and guidance. Mentoring and coaching and development schemes have been referred to and they have generally been very successful. They were part of the cellular courses I did. The selection processes, where there is either conscious or unconscious bias, are critical, and one would want to be confident that, nationally, all the selection and promotion processes are free of bias; either that or have an independent element to reduce any conscious or unconscious bias in the selection scheme.

Q331 Nicola Blackwood: Both of you have said that the problem is not that BME communities do not want to go into the police service. Mr Fuller, you said that your own experience of the police was excellent, and that is why you wanted to go into the police.

Mike Fuller: Positive.

Nicola Blackwood: “Positive”; I hear you. I would not want to overstate it. We have had visitors who have argued that their own poor personal experiences of interactions with the police are acting as a barrier to the BME community wanting to enter the police. Now, we had a stat from a study of 37% BME applicants within the Met area, but that does not quite seem to match with the evidence we have had from other witnesses. Could you explain to us what could be done to try to address this particular cycle of different community attitudes to the police and what is, I think, a negative attitude?

Mike Fuller: I think the police service has to go out to the communities. When I joined, young black and Asian people were encouraged to visit police stations. It was quite a frightening thing to do as a young person, but those schemes encouraged that. I joined a scheme as a volunteer-type cadet scheme, where the cadets would go out and encourage young people into police stations, show them around, and overcome that fear and apprehension they may have. There are ways,

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in terms of outreach schemes, where that bridge can be built with members of the community.

Q332 Nicola Blackwood: That sort of general improvement of community relations—

Mike Fuller: I think that is a start.

Nicola Blackwood:—but that sort of outreach in terms of specific recruitment programmes?

Dal Babu: I suppose, if you are looking at bums on seats, effectively, I think we need to look at the obstacles that we have at the moment. If you look at the fact 37% of the applicants who overall want to come in—that is a huge number of individuals who want to join the organisation. So, I think it is about how you ensure that the selection processes—there is a disproportionality there, where more minorities fail at the initial selection process. There is a disproportionality in terms of vetting. I think it is about having an equality impact assessment on those processes. Now, the College of Policing and NPJA—its predecessor—were aware of these disproportionalities. I'm not aware of any work that has been done to look at why that disproportionality exists. So, we have a pool of individuals—you have referred to individuals who have given evidence who do not want to join the organisation. You will always find a group of individuals that, at any age range, are reluctant to join the police service.

Q333 Nicola Blackwood: My last question is what is wrong with direct entry, then, because obviously, it would present role models who would address some of the concerns that we have been hearing in the Committee; and you have already stated, Mr Babu, that you think that this has been a significant problem.

Dal Babu: If you look at where direct entry has occurred in the army and the prison service, that has not delivered great diversity. So, I think if you are linking direct entry to diversity, I am not aware of any organisation with direct entry that has that. But essentially, it is about managing risk, and it is about understanding the complexity of risk. I appreciate training can be given to individuals to ensure they do that. I was a gold firearms commander where two of my officers were shot and seriously injured, and I then had to manage the scene there and then subsequently arrange for the arrest of the culprits. That is not something you can learn overnight. That level of complexity comes with experience and comes with the ability to have made a few mistakes and to learn from those mistakes.

Mike Fuller: I mean, the issue is whether you need to have been at the bottom of the service to be able to manage very difficult operational situations. From my view and my experience, there are advantages, and clearly benefits and less risk, if somebody has had that experience, they have been tried and tested in an operational environment, and, more importantly, they have demonstrated very good judgment. Because it doesn't matter what backgrounds the people come from; if they don't demonstrate good judgment, then the public are at risk, and in managing firearms situations, violent demonstrations, people are expected to make quick decisions. If you have been a business man one day, and then you are in charge of

a violent demonstration or a firearms situation the next, you need a basis of experience to fall back on, to be able to deal with that situation competently and demonstrate good judgment. I think that is where the risks are with direct entry. It is not that it cannot be done; the prison service do it, and the Army do it, but one needs an understanding of the complexity of the policing. It does create risks.

Q334 Nicola Blackwood: Yes. Do you think that there is more a risk internally, in terms of the attitude of serving officers to those coming in directly, rather than in terms of operationally? Because I can imagine a number of previous levels of job experience that might give you that operational experience, but I can imagine that there is more of an attitude problem among those serving, who might be uncomfortable with the idea.

Mike Fuller: Yes. Well, you can imagine in policing, if you are asking me to go into a burning house, into that firearms situation, into that violent demonstration, before I put my life at risk I would want to be confident that you have good judgment, you are experienced and you are making good decisions, which is what senior officers do on a regular basis. Your credibility would be all-important, and the risk is: would people who were direct entrants have the same credibility as people who were not?

Q335 Chris Ruane: I think that police officers should reflect the community that they police, and we have heard about gender and race. As a Welsh MP, we have language as well as an issue in Wales, but I have not heard anything about social class here today. I grew up in the '60s and '70s and spent 26 years on a council estate. I can recall 10 police officers who were recruited from my council estate back then, but I am not aware of that scale of recruitment today from that council estate. Has any analysis been done about the BME officers who are recruited—in fact, white officers as well—and what social class they come from? Is there that outreach? We have neighbourhood policing now, it should be easier to connect. Is there that outreach in schools—and you mentioned getting young people to come to the police station; is data being kept on that?

Mike Fuller: I can't answer that.

Dal Babu: I will just mention that one of the obstacles might be the Certificate of Knowledge in Policing that you require; you need to pay £1,000 up front, and there is no guarantee that you will be accepted as a police officer.

Chris Ruane: £1,000?

Dal Babu: In order to complete—it is a new recruitment—a national recruitment system.

Chris Ruane: When was that instituted?

Dal Babu: It has been instituted by the College of Policing.

Chris Ruane: When?

Dal Babu: I do not know the exact date when it will start, but the College of Policing will own that system. So, it will be a national scheme.

Q336 Chair: We will write to the College of Policing about that. A very, very quick answer: a black

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Commissioner in 10 years, Mr Babu, yes or no? Not you, but do you think it is going to happen?

Dal Babu: Under the present processes, I can't see that happening.

Chair: Mr Fuller?

Mike Fuller: I have no idea.

Chair: Good answer. Thank you very much indeed for coming.

Tuesday 14 May 2013

Members present:

Keith Vaz (Chair)

Michael Ellis
Lorraine Fullbrook
Dr Julian Huppert
Steve McCabe

Bridget Phillipson
Mark Reckless
Chris Ruane
Mr David Winnick

Examination of Witnesses

Witnesses: **Mark Burns-Williamson**, West Yorkshire Police and Crime Commissioner, **Tim Passmore**, Suffolk Police and Crime Commissioner, and **Alan Hardwick**, Lincolnshire Police and Crime Commissioner, gave evidence.

Q337 Chair: Could I call the Committee to order and ask all Members to declare any additional matters that need to be declared other than are on the Register of Members' Interests?

Welcome to our witnesses, Commissioners Burns-Williamson, Hardwick and Passmore. This is a one-off session to inform the Committee before we publish our report into the register of interests of police and crime commissioners. We will return to the subject of police and crime commissioners in a more lengthy inquiry that we will have at the end of this year. Thank you all for readily agreeing to come to the Committee to answer our questions.

Could I start with Mr Hardwick and Mr Passmore? As you know, the Committee has conducted a survey among police and crime commissioners concerning their obligations to put online statutory information concerning your financial data. Neither you, Mr Hardwick, nor you, Mr Passmore, have managed to meet the deadline for informing the public about your financial data. Has that now been done, Mr Hardwick?

Alan Hardwick: It has, Mr Chairman, yes.

Q338 Chair: When was that done?

Alan Hardwick: It was done last week.

Chair: Last week?

Alan Hardwick: It was indeed, sir.

Q339 Chair: Thank you. Mr Passmore?

Tim Passmore: The only issues I think you are referring to, Mr Vaz, would be travelling expenses. Those are the only ones. The forms are there ready for mileage. There are no other expenses or other costs incurred by me personally whatsoever.

Chair: But in terms of financial data online, you have now complied with the—

Tim Passmore: Yes. Everything else was done some time ago.

Q340 Chair: Excellent, because the last time we compiled our documentation you had not done so.

Mr Hardwick, if I could start with you and the circumstances surrounding the suspension of your Chief Constable Rhodes. Do you now regret suspending Mr Rhodes?

Alan Hardwick: The situation was that I was convinced I had made the right decision, Mr Chairman, and I remain convinced that I made the right decision.

Q341 Chair: But a judge has described the decision that you took as perverse and irrational—that was by a High Court judge on 28 March. Do you not accept that criticism, and do you not accept, with hindsight, that he should not have been suspended?

Alan Hardwick: I accept entirely the High Court judge's criticism. The point that was discussed at the judicial review was a very narrow point about interpretation of a particular set of circumstances. My interpretation went one way. The judge's interpretation went another way. I still maintain that my interpretation was correct. The judge disagreed with me.

Q342 Chair: You said on 30 March that Chief Constable Rhodes' role as a temporary chief constable was due to end on 31 March and would not be renewed, but on 1 April you announced that Mr Rhodes had got his job back, in effect. Is that right?

Alan Hardwick: That is right, Mr Chairman. I would describe that as a U-turn on my part.

Q343 Chair: As a result of the High Court decision or as a result of any further information you might have received?

Alan Hardwick: As a result of the High Court decision and further discussions.

Q344 Chair: Is it difficult for you as a commissioner to be working with a chief constable who you believe should not be in post?

Alan Hardwick: No, sir, it is not difficult for me. We are both professionals. We have a very good and sound working relationship.

Q345 Chair: If you had your time again would you dismiss or suspend him, as you had previously? You have no doubt that you took the right decision?

Alan Hardwick: I have no doubt, Mr Chairman.

Q346 Chair: But you have come to the conclusion that he should come back because of the decision of the High Court?

Alan Hardwick: I have come to the conclusion that he should return because of the decision of the High Court and other discussions that I have had with learned advisers.

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Q347 Chair: When you decided to suspend him, did you then inform the Police and Crime Panel of your decision to suspend him? The Committee is very interested, because we will be hearing later from the panel chairs about the way in which the constitutional process works. We appreciate this is new territory for everybody, including yourself, obviously, because you also do not have a background in policing particularly, but you have a mandate of the people to do the job that you are doing. As soon as you decided to suspend the chief constable, which is a very serious step, did you inform the chair of the Police and Crime Panel, and did you appear before them in order to justify your decision?

Alan Hardwick: I informed the chairman of the panel, Mr Chairman. I did not appear before them.

Q348 Chair: How soon after you made your decision did you inform the chair of the panel?

Alan Hardwick: Would you bear with me one second, Mr Chairman? It was very shortly after I had made the decision. I rang him the same day.

Q349 Chair: You turned around and spoke to somebody. Is that Mr Burch, your chief executive?

Alan Hardwick: It is my chief executive, yes.

Q350 Chair: Was he with you at all times during these events?

Alan Hardwick: He was indeed.

Q351 Chair: Did you appoint him?

Alan Hardwick: Yes, I did indeed.

Q352 Chair: As far as you are concerned, you told the chairman of the panel that you were suspending him. Did you tell the chairman of the panel that you were reinstating him because of the decision of the High Court?

Alan Hardwick: I spoke to the chairman of the panel, and he was aware of my decision to reinstate temporary Chief Constable Rhodes.

Q353 Chair: Have you appeared before the panel to explain the reasons why you took the decision? Obviously you told the chair, but when Parliament set up the process it set up a panel of people to scrutinise the work of the commissioner. Have you appeared before them?

Alan Hardwick: I have not appeared before the panel, Mr Chairman, since the suspension that you spoke of.

Q354 Chair: That was 78 days ago, I understand.

Alan Hardwick: Yes. I have not appeared before the panel.

Q355 Chair: Are you planning to appear before the panel?

Alan Hardwick: I am planning to appear before the panel, Mr Chairman.

Q356 Chair: When are you planning to appear before the panel?

Alan Hardwick: When the panel invite me to appear before them, Mr Chairman.

Q357 Chair: You have not suggested to them that you appear? It is very unusual circumstances for a new commissioner to come in, suspend the chief constable and then reinstate the chief constable. It is important that this explanation is given.

Alan Hardwick: I have spoken to the chairman of the panel, Mr Chairman, and I know that the chairman of the panel will be addressing you shortly.

Q358 Chair: Will he be answering our questions, rather than addressing us?

Alan Hardwick: I think so, sir. I am sure that he will be answering your questions, Mr Vaz, yes. I have spoken to him at many junctures since the suspension, but I have not appeared before the panel.

Q359 Chair: Finally from me, it has cost the taxpayer £50,000 in respect of your High Court case. Who will pay the costs of this? Where will this come from? Will it come from you personally? Will it come from your budget? Where will this money come from? I think you have been ordered by the court, because of the decision they have taken, to pay £50,000 in costs. Is that right?

Alan Hardwick: What you are telling me is news to me, Mr Chairman, but I can answer the question as to where it will come from. It will come from the budget of my own office.

Q360 Chair: So you are not aware of any order for costs? No orders for costs were made?

Alan Hardwick: I am not aware of any sum.

Chair: But are you aware that an order for costs was made?

Alan Hardwick: I am aware that an order for costs was being sought.

Q361 Chair: Where will those costs come from?

Alan Hardwick: They will come from the budget of my own office.

Q362 Chair: What is the budget at the moment?

Alan Hardwick: £450,000 a year, sir.

Q363 Lorraine Fullbrook: Police Commissioner Hardwick, you made this decision after, you said, long consultations with your executive lawyers. Have you changed your legal advisers since?

Alan Hardwick: We have retained other legal advisers. We still employ the legal advisers who were with me at that time.

Q364 Steve McCabe: In your statement that you respected the judge's decision but you did not agree with his interpretation, you said, "We looked at every possible angle before deciding to suspend Neil Rhodes". Who was "we"? You did not talk to the panel. Who is "we" in this situation? You are elected. Who else was party to this decision?

Alan Hardwick: My chief executive and my legal adviser, sir.

Q365 Chair: Who is your legal adviser?

Alan Hardwick: Do you want me to name the firm, sir?

Chair: Yes.

Alan Hardwick: Andrew & Co.

Q366 Mark Reckless: Mr Hardwick, why did you suspend the chief constable?

Alan Hardwick: Because of the nature of the allegations that had been made and the source of those allegations, sir.

Q367 Mark Reckless: If you do not go any further in describing the nature of the allegations or the basis on which you suspended him, how will it be possible for your electorate to judge your decision?

Alan Hardwick: The details of the suspension are public, sir. I know that the electorate have read the details, have made up their minds and have corresponded with me as to whether I made a good or a bad call.

Q368 Mark Reckless: Are there any personal circumstances between you and the chief constable that others might think could have affected this decision?

Alan Hardwick: No, sir, there are no circumstances at all.

Mark Reckless: Are you sure?

Alan Hardwick: Yes, sir.

Q369 Chair: How long have you known the chief constable?

Alan Hardwick: I worked for the previous police authority, sir, for four years, and I have known him I suppose since I started to work there.

Q370 Chair: Before his suspension, presumably as commissioner you had a number of meetings with him?

Alan Hardwick: Yes, sir.

Q371 Chair: Did you have any disagreements?

Alan Hardwick: None.

Q372 Mark Reckless: Mr Burns-Williamson, perhaps initially, what is your view as to whether it would be possible to do the job of police and crime commissioner while maintaining substantial private business interests?

Mark Burns-Williamson: That is a matter for each individual police and crime commissioner. I have registered all my interests online. They are published. That is a matter for each individual police and crime commissioner in consultation with their office.

Q373 Mark Reckless: You mentioned it was for each police and crime commissioner, but ultimately should it not be for each electorate to judge and that does not require the candidates to disclose their private business interests that they plan to maintain?

Mark Burns-Williamson: Absolutely. I think everything should be published. The idea of a national register is a good one. I would have no problem with that, and indeed the electors should have a view on individual registration of police and crime commissioners.

Q374 Mark Reckless: For the record, what are your private business interests? I think one of the issues the Committee has had is that by not having a national register, it has not necessarily been easy for us to get that information. For the record, could you state what they are?

Mark Burns-Williamson: Yes. It is published on the website. I have minimal interests. I am a trustee of a local heritage group. I stood down as a councillor recently. I have declared that. I would have to double check, but it is minimal in terms of other interests.

Q375 Mark Reckless: Mr Hardwick, what is your view as to the compatibility between being a PCC and having substantial private business interests, by which I mean paid interests for these purposes?

Alan Hardwick: My own experience of working 60 hours a week is that there is just no time for any other job than being police and crime commissioner.

Q376 Mark Reckless: Mr Passmore, what is your view on this issue?

Tim Passmore: I would entirely agree with that. If you have a job like police and crime commissioner, it is frankly a full-time commitment. Clearly it is up to each individual commissioner, depending on what team and what help he has, but in my case in Suffolk it is a very big rural area and it is very time-consuming. I don't have any other private interests. My interests were put on the website back in early December, I think.

Q377 Mark Reckless: When you say "other private interests", do you mean beyond those listed on the website?

Tim Passmore: No, I do not have any private interests listed. I just put down I was a self-employed person, but I am not doing any other work on that basis anyway and nor have I.

Q378 Chair: Just to clarify that, Mr Passmore, we have you down as being a self-employed agri-business consultant.

Tim Passmore: Yes, that is what I was.

Q379 Chair: You are a member of Mid Suffolk District Council, which presumably you get an allowance for.

Tim Passmore: Yes. I think that is just over £3,000 a year. I am no longer leader, and nor do I have a portfolio. I am merely a backbencher.

Q380 Chair: You are a director of Customer Service Direct; so you do have another paid role, do you?

Tim Passmore: No, that is not a paid role. That is a joint venture with the Mid Suffolk County Council, Suffolk County Council and BT and I represent Mid Suffolk on it. It is not a big private concern at all.

Q381 Chair: So you have no other paid employment other than being a commissioner? You get a salary of £65,000?

Tim Passmore: £70,000, that is correct.

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Q382 Chair: £70,000. You have no other commercial interests?

Tim Passmore: Yes, that is absolutely correct.

Chair: You have no other commercial interests?

Tim Passmore: No.

Q383 Chair: You do not think it is possible, given the workload? You are on record as saying that you work 40 hours a week as a PCC, plus presumably.

Tim Passmore: I have never said that. I don't know where you got that from.

Chair: That was when you wrote to us in your survey. We asked you around about how many hours.

Tim Passmore: 40-plus, because that was what was in the book. It is a lot more than that, I can assure you. I don't know, but it is 60–70 hours a week, definitely.

Q384 Mr Winnick: Pursuing that, Mr Passmore says that his only income is now as a police and crime commissioner.

Tim Passmore: And an allowance from the district council.

Q385 Mr Winnick: Yes. And you, Mr Hardwick?

Alan Hardwick: Sir, my only income is as a police and crime commissioner, plus I have a small private pension from a previous employment.

Mr Winnick: We will not go into details of how much that is. It is not really our business, but that is the lot, is it?

Alan Hardwick: That is the lot, sir, yes.

Q386 Mr Winnick: And you, Mr Burns-Williamson?

Mark Burns-Williamson: Solely the salary of the police and crime commissioner, yes.

Q387 Mr Winnick: Mr Hardwick, again arising from questions put to you by colleagues, do you feel any embarrassment that in the very earliest days of the election of police and crime commissioners, you were in the news for the reasons we have just been dealing with?

Alan Hardwick: Sir, I would rather be in the news for more positive business, absolutely. I am not dodging your question but, yes, had any shade been attached to anything that I was connected with, I would rather that shade had been positive rather than negative.

Q388 Mr Winnick: It probably would not have pleased the Home Secretary and quite likely—again this is a question—your fellow police and crime commissioners that this issue arose in the very earliest days. Would I be right? They would feel embarrassed as well that this came into the news?

Alan Hardwick: I have no idea, sir. I have met them. We do meet occasionally, as you know, as the Association of Police and Crime Commissioners. It has never been referred to.

Q389 Mr Winnick: I see. Well, perhaps they were reluctant to face you on that question. Who knows? Mr Burns-Williamson, how many people do you have in your office now?

Mark Burns-Williamson: Nineteen that are solely employed by the office of the police and crime commissioner.

Q390 Mr Winnick: Nineteen? We have the information that it is 26. Is that wrong?

Mark Burns-Williamson: No. There are 26 in terms of the totality of staff, but there is an audit team that carry out work for other police and crime commissioners as well. They are not solely employed by me.

Mr Winnick: I am trying to work that out. Is what you are saying in effect that you employ 19 people?

Mark Burns-Williamson: It is 19 people that carry out direct duties in their entirety for me as the police and crime commissioner.

Q391 Mr Winnick: Yes, and who are the other seven?

Mark Burns-Williamson: I think there are nine others as part of an internal audit team that carry out work for West Yorkshire, North Yorkshire, Humberside and in fact for the chief constable as well.

Q392 Mr Winnick: They are not paid from your budget?

Mark Burns-Williamson: They are partly paid from the budget, but they generate income from providing those other services.

Q393 Mr Winnick: Yes. Well, there you are. You dispute 26, and you have given the explanation we have just heard. Yet the information we have, if it is correct, is that of your two colleagues here, Mr Hardwick employs eight and Mr Passmore employs nine.

Tim Passmore: That is right; 8.8 full-time equivalents.

Q394 Mr Winnick: Is there so much more work that you feel justified in employing so many more than your two colleagues here?

Mark Burns-Williamson: One has to bear in mind that each police and crime commissioner inherited the staff of the previous police authority on taking post. West Yorkshire is the fourth-largest police force in England and Wales. My overall office costs are less than the police authority. They account for 0.4% of the overall budget, so I am comfortable with the numbers that I have employed in my office, who carry out good work on behalf of me and the public.

Q395 Mr Winnick: Well, you would be confident otherwise you would not employ them. I must say, in all fairness, we have had information of police and crime commissioners employing more than the 19 or 26, as the case may be, in your office. Are you proposing to increase the numbers by any chance?

Mark Burns-Williamson: No, I am not. In fact I made a commitment to the Police and Crime Panel that the costs of the office would reduce in line with the cuts to the police force in West Yorkshire, which will be 30% over a six-year period.

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Q396 Mr Winnick: This is an all-party Committee, and sometimes, Mr Burns-Williamson and your two colleagues here, we ask questions of fellow party members because that is our job. You appointed a deputy at the sum of £53,000. Is that correct?

Mark Burns-Williamson: I think it is £56,000 actually.

Mr Winnick: £56,000?

Mark Burns-Williamson: Yes.

Q397 Mr Winnick: What experience did your deputy have in police matters or some other factor that you felt you were justified in appointing her?

Mark Burns-Williamson: As set out in the legislation, as you know, it is an unrestricted political post, and in fact in a meeting with the previous Police Minister, Nick Herbert, he did say that in his view these posts were political adviser posts in all but name. I think that the term “deputy” is somewhat misleading under the way that the legislation is set out. Isabel Owen, whom I have appointed as the deputy, is there to assist me in delivering my job as the Police and Crime Commissioner for West Yorkshire. She is highly suitable in terms of the criteria that were set out regarding giving political advice, leading on external affairs within the office and making sure that I am fully briefed and able to do my job to the best of my ability.

Q398 Mr Winnick: I am most reluctant to criticise any Labour Party person who gets a position, but I would ask you, Mr Burns-Williamson, would you have appointed anyone other than a Labour person?

Mark Burns-Williamson: No, because I am on record as saying during the debate for this legislation that I would have liked to have seen a joint-ticket election where you had the candidate and the deputy named on the ballot paper so that they could have been directly elected. I had always intended to appoint a deputy.

Q399 Mr Winnick: Did you make that clear when you were campaigning?

Mark Burns-Williamson: I did on the hustings and in public meetings, yes.

Q400 Mr Winnick: What about Mr Hardwick and Mr Passmore? Do you have deputies?

Alan Hardwick: No, sir, I have no deputy.

Mr Winnick: None at all? And you, Mr Passmore?

Tim Passmore: No, and I made it quite clear during the election campaign that I did not see the need for a deputy. However, may I make one very brief comment? I do think it depends on the size and area and the commitment for each police and crime commissioner, because they do vary quite largely, not only in area but also size of the population.

Q401 Chair: Just on the figures so we are right, Mr Passmore, you employ nine people but your total office cost is £1.7 million. That is a 48% increase on the previous police committee.

Tim Passmore: I don't think those figures that you have are accurate, in fact.

Q402 Chair: Correct us, because those are the figures that have come from your office. How many people do you employ?

Tim Passmore: That is exactly right for the numbers of people, but what I mean is the cost of the office is over £100,000 less than the previous police authority.

Q403 Chair: Are you saying it is less not an increase?

Tim Passmore: Absolutely.

Q404 Chair: But your nine people account for £1.7 million and Mr Burns-Williamson's 26 people account for £1.73 million.

Tim Passmore: I will have to come back to you with the figures. I agree, there seem to be—

Q405 Chair: Nine people at £1.75 million and 26 people. Is he getting better value for money?

Tim Passmore: Not necessarily. I think you will find that that cost includes my allowance as well, which, as you know, is £70,000. I can provide other information to clarify that, but I can certainly assure you that nobody is being paid any extra. There have been no other appointments at all, and I inherited the police authority staff.

Q406 Chair: It does sound a lot of money for nine people.

Tim Passmore: Well, I inherited it, so that is something we are looking at at the moment.

Q407 Chair: Mr Burns-Williamson, I have no reluctance to put to you, and I have to put to you, the fact that the person you appointed as your deputy, Isabel Owen, was on the selection panel that selected you as a candidate. Is that right?

Mark Burns-Williamson: No, that is totally false.

Q408 Chair: Is she married to the regional director of the Labour Party?

Mark Burns-Williamson: She is, yes.

Q409 Chair: Did you not think in making this first appointment that it was very important to look very carefully at who was appointed to these positions?

Mark Burns-Williamson: Yes, I did, and in fact I did not know Isabel Owen until September-October time last year, so any inference that there was any kind of other motive for this appointment is entirely unfounded. She is someone I think has a lot of ability, and that was evident in the process, which was robust in terms of the appointment panel that I set up to make the appointments.

Q410 Chair: Sure, and you did not know she was married to the regional director of the Labour Party?

Mark Burns-Williamson: Yes, I did, but what I am saying is I only met her last September-October. She demonstrated over that period of time that she is someone very suitable for the post that I had appointed her to.

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Q411 Chair: Is it correct that you have appointed another Labour councillor as your research director at £41,000 a year?

Mark Burns-Williamson: I have appointed Henri Murison to the research director post, which was a vacancy. He is a former Labour councillor who worked for a national charity, is a first class degree graduate from Cambridge and someone that applied through the normal process, through the jobcentre. I was not on the appointment panel, but I was told he scored much higher than any other candidate.

Q412 Chair: What the Committee has seen in press cuttings—of course, we have not seen all the commissioners—is that a number of other commissioners have appointed to paid jobs people who were involved in their election campaign. Is this a normal practice for police and crime commissioners? You are clearly not the only one who has done this.

Mark Burns-Williamson: I need to re-emphasise that Henri Murison was appointed through a normal job application process. I was not involved on the panel for that selection.

Q413 Steve McCabe: I just want to clarify this position about the deputy, because obviously it has generated a lot of publicity. Some of it would appear to have been generated by a councillor in Leeds, Councillor Carter, who has certainly got very excited about it. You referred to what the former Police Minister said about the post earlier. Am I right in thinking it is your understanding that the post of deputy is the only politically non-restricted post available and that it was the design of the Home Secretary to create that office, and what you have done is exactly the same as the police and crime commissioners have done in Thames Valley, Sussex, Northamptonshire and Humberside? The only thing that is different about them is that Councillor Carter would support them because he is of the same party as them and not yourself. Is that accurate?

Mark Burns-Williamson: Interestingly, Councillor Carter was my vice-chair of five years at the former police authority. It is a bit rich for him to now suggest that somehow I don't need a deputy or someone of an opposite political persuasion. Yes, I think you are right with your observation.

Q414 Michael Ellis: Perhaps we can move on from the Labour love-in for a moment and try to make this not quite so nakedly political. Mr Burns-Williamson, the reality is perception is at the nub of this. Do you think it creates a perception that if you had a first class graduate who applied to you who happened to have Conservative interests, they would automatically be disqualified by you because you are appointing basically on the basis of political partisanship?

Mark Burns-Williamson: Not at all. I have already said that the appointment of Henri Murison as the research director was through an open and transparent process to anyone to apply for that post.

Q415 Michael Ellis: You would not disqualify someone in your application process because they

happen to have Conservative leanings? If you thought they were a good-quality candidate for reasons of their past employment or their expertise in some area but happened to have previously been a Conservative parliamentary candidate rather than a Labour parliamentary candidate, would you employ them?

Mark Burns-Williamson: It was open to anyone to apply on that basis.

Q416 Michael Ellis: I did not ask you that. It may have been open to anyone, but would you have employed someone if they had been even a Liberal Democrat Party member?

Mark Burns-Williamson: Heaven forbid, Chairman, but if they had applied and scored the highest on the interview process, they would have got the job.

Q417 Michael Ellis: I note what you say about the qualifications for the individual, but it has been said in West Yorkshire Police and Crime Panel that your deputy knew little about policing and she was also paid by you as your transition adviser. Is that right?

Mark Burns-Williamson: Yes.

Q418 Michael Ellis: She was involved in your campaign. Is that also correct?

Mark Burns-Williamson: Yes.

Q419 Michael Ellis: She was paid £18,214 to work as your transition adviser since your election?

Mark Burns-Williamson: Yes.

Q420 Michael Ellis: That, coupled with the fact that she was previously a Labour parliamentary candidate, has nothing to do with your appointment of her?

Mark Burns-Williamson: Of course it has, because she demonstrated during that period that she was someone of high ability in providing me with that support and able to do the job of deputy, so absolutely, yes.

Q421 Michael Ellis: But when a Conservative member of your PCP says that he had concerns about her credentials, do you discount that? You say she does have the credentials. Other than simply being close to you politically or historically, she has credentials to hold such a position, does she?

Mark Burns-Williamson: She does, and, as I have already said, Councillor Carter was my deputy of five years and he was making, in my view, a party political point.

Michael Ellis: I was referring to somebody called Michael Walls, so I don't think it is one individual. There is another member of your PCP called Michael Walls who said he had concerns about her credentials.

Mark Burns-Williamson: Another Conservative ex-member of the police authority, yes.

Q422 Michael Ellis: The fact that they are Conservative does not discount the comments that they make, does it, surely?

Chair: Could we just have an answer and then we need to move on? Mr Burns-Williamson?

Mark Burns-Williamson: Mr Walls was agreeing with Councillor Carter.

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Q423 Michael Ellis: Just before we do move on, I do not think, with the greatest respect, that one can simply say, from either side of the political divide, just because someone is Labour we discount everything they say if we are Conservative, or just because somebody is Conservative we discount everything they say if it is coming from Labour. Surely you must answer the question as to the issues that are raised by your opponents as to the proper credentials of the individuals that you are hiring. It is public money after all.

Mark Burns-Williamson: Yes, and these credentials were put before the Police and Crime Panel, and the Police and Crime Panel endorsed the appointment.

Q424 Dr Huppert: There are concerns in general about how some of the appointment processes are working. I do not want to go into the details of any particular case. I think it probably permeates all PCCs to a greater or lesser extent. I am quite interested in the idea of some of the transparency issues. I note that today my own police and crime commissioner in Cambridgeshire has finally published his spending of £500 or more, I am sure because he did not want to come and see us next week. It is interesting to see how many different numbers of items there are. I think Cambridgeshire has about 40 items above £500 where I think Suffolk has only 30, almost all of which are audit. There are clearly different standards that seem to be being used around the country and that seems to be the case for a lot of other information. I am sure you will all know that there is a national register of chief officers' pay and perks, gifts, hospitality, outside interests and media contacts. There is about to be a national register published online of all of that. Given the problems we have just demonstrated with understanding what is happening with all of the PCCs, do you think there should be a similar record of all of that information of a common standard kept nationally for every single PCC?

Alan Hardwick: Yes, sir, I do.

Mark Burns-Williamson: I think I have already said that I have no problem at all with the National Register for Police and Crime Commissioners.

Tim Passmore: I would entirely agree. If it improves transparency and openness, I am 100% behind it.

Q425 Dr Huppert: Fantastic. I think this Committee has been quite strong. Do you know the views of any of your other colleagues? Is there a minority who are quite keen not to see this, or a majority?

Tim Passmore: I have not met anybody who is opposed to it, certainly, and I have not discussed it on that basis with anyone.

Alan Hardwick: I agree with my colleague. I haven't discussed it at any great length, but I would suspect that there would be an appetite for a national demonstration of openness and transparency.

Q426 Dr Huppert: Are any of you on the Association of Police and Crime Commissioners?

Alan Hardwick: We belong to the association.

Tim Passmore: We all do, yes.

Q427 Dr Huppert: Would you be prepared to raise it at the next meeting and see if they would all sign up for it?

Alan Hardwick: Yes.

Tim Passmore: Yes, definitely.

Dr Huppert: Please let us know the result.

Chair: As you know, the Committee has conducted its own survey, and we will be publishing what we hope will be the forerunner of a national register very shortly.

Q428 Steve McCabe: What is the impediment to the association establishing that? Why don't you go ahead and do it?

Alan Hardwick: Well, we can. The association is very new, sir, as you know, and we are still finding our feet, I think it is fair to say. The infrastructure of the association I think is sound, and we are going to go forward now with ideas, like the one that you have mentioned, that the Committee is interested in. Indeed, we would be more than interested to hear of any other help that we could give and that you could give us, sir.

Chair: Once we publish, you are welcome to take the idea. I did offer the idea to the Home Secretary, but she did not seem keen to take it. Maybe you can take it and give it a home.

Alan Hardwick: We will do our very best.

Q429 Lorraine Fullbrook: I would like some clarification on an answer given to the Committee and Mr Ellis earlier. Mr Burns-Williamson, you said that you have 19 permanent staff plus the seven audit team that you pay a percentage amount to with other—

Mark Burns-Williamson: I think there are nine in the internal audit team.

Q430 Lorraine Fullbrook: Okay, the nine; the post for Mr Murison was advertised at the jobcentre?

Mark Burns-Williamson: Yes.

Q431 Lorraine Fullbrook: You said to the Committee earlier that you had inherited the 19 from the previous authority?

Mark Burns-Williamson: I inherited most of the staff, yes.

Q432 Lorraine Fullbrook: Was Mr Murison an additional or a replacement position?

Mark Burns-Williamson: It was a vacancy that had been held because the person that used to have the job had gone off on maternity and then decided not to come back.

Lorraine Fullbrook: It was not an additional post; it was a post being filled?

Mark Burns-Williamson: Yes.

Q433 Chair: Finally, we are going to hear now from the chairs of your panels. Could we go through each of you to look at your relationship with the chairs of the panels. Are you a serving councillor with the chair of your panel, Mr Passmore, or is it a different authority?

Tim Passmore: Not in the same district. It is a completely different district.

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Chair: Is it a different council?

Tim Passmore: Yes, a different council.

Q434 Chair: Did you know her before you became the commissioner?

Tim Passmore: Mr Vaz, I know a lot of councillors in Suffolk. Yes, I did know her beforehand, as I do many other councillors in Suffolk.

Chair: We are not talking about other councillors. We are just talking about her for the moment. I am sure you know lots and lots of councillors. Did you know her before she was appointed?

Tim Passmore: Yes, I did.

Q435 Chair: How frequently have you appeared before the Police and Crime Panel?

Tim Passmore: I think four times so far since the election.

Q436 Chair: Is that at your request, or is it at their invitation?

Tim Passmore: It is both. We worked out a programme together, and we appointed a new chief constable at the budget. We have informal meetings as well as the formal ones to make sure we are both kept fully informed.

Q437 Chair: Mr Hardwick, we heard from you that you have not appeared before them yet. Is that right?

Alan Hardwick: I have appeared before the panel, Mr Chairman.

Q438 Chair: But not on the issue of the chief constable?

Alan Hardwick: Not on the issue of the chief constable.

Q439 Chair: How many times have you appeared?

Alan Hardwick: I had an informal meeting with the panel, sir, and I have appeared before them to present my police and crime plan.

Q440 Chair: You were not a councillor, unlike the other two gentlemen here.

Alan Hardwick: No.

Q441 Chair: You were a television star and a radio star before you got your job.

Alan Hardwick: I appeared on television and did not appear on radio. I had a good face, I think, for radio.

Q442 Chair: You did not know the chair of your panel, Mr Wootten, before you got the job?

Alan Hardwick: No, I didn't.

Q443 Chair: Mr Burns-Williamson, the chair of your panel is a councillor in your district. Is that right?

Mark Burns-Williamson: Yes.

Q444 Chair: Is it correct to say that you know him very well?

Mark Burns-Williamson: Yes, I do. He was the leader and still is the leader of Wakefield Council, of which I was a member for 15 years.

Q445 Chair: Is it difficult for you being scrutinised by someone who you know very well and is possibly a friend?

Mark Burns-Williamson: Not particularly, no, because we both have roles and I respect and understand those roles.

Q446 Chair: How many times have you appeared before the Police and Crime Panel?

Mark Burns-Williamson: Six or seven at least already.

Q447 Chair: Is it by your request or their invitation?

Mark Burns-Williamson: It is mainly by their invitation, but we have worked out with the panel a programme of meetings throughout the 12 months.

Q448 Chair: I notice that Mr Hardwick has brought his chief executive with him today. I assume both of you have chief executives, Mr Passmore and Mr Burns-Williamson. Are these people you have inherited or did you appoint them? Mr Passmore?

Tim Passmore: All the team I have are inherited; every single one.

Chair: Including the chief executive?

Tim Passmore: Including the chief executive.

Chair: Mr Burns-Williamson?

Mark Burns-Williamson: All inherited, including the chief executive, apart from Mr Murison and the deputy.

Q449 Chair: You have a deputy. Mr Hardwick does not have a deputy, and Mr Passmore does not have a deputy. In the unlikely occurrence that you might be ill or incapacitated—and you both look extremely healthy, even after this appearance—who would deputise for you, Mr Hardwick? What would happen if you were not there, you were ill or you had gone abroad?

Alan Hardwick: I have been ill quite recently, Mr Chairman, and the chief executive has, in fact, deputised for me.

Q450 Chair: Is it a little odd that someone who has not been elected, who is the chief executive of your paid staff, should act as the commissioner?

Alan Hardwick: I understand, sir, that that is allowed within the regulations that created this job. Obviously there are decisions that only a commissioner can take, and even a deputy commissioner cannot take those decisions. In that instance, I would expect my chief executive to bring any documents to my sick-bed. I think that is how it works.

Q451 Chair: It sounds very dramatic. Mr Passmore, again you look in perfect health, even after 45 minutes before the Home Affairs Select Committee.

Tim Passmore: It must be all the rugby refereeing I do.

Chair: What would happen if something happened to you? Who would have the reins of your power?

Tim Passmore: Similarly to my colleague here on my right, the chief executive would take responsibility for the day-to-day running of whatever needed to be decided, but of course in conjunction with the Police

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and Crime Panel. Their input would be invaluable in that particular position. Equally, in the regulations there are limits on who can appoint whom, like chief constables and so on, and we have to conform with the regulations.

Q452 Mark Reckless: Mr Burns-Williamson, you have described appointing your deputy. Mr Passmore, I understand your chief executive was inherited. Can I ask, just to fill this out, Mr Hardwick, on what basis did you appoint Mr Burch as your chief executive?

Alan Hardwick: In fact I inherited Mr Burch from the police authority. That does a disservice to him as though he was second-hand, but that is far from the truth. I had worked with Mr Burch and with the other members of the police authority staff, and I simply confirmed them in their places but with me as commissioner. I have not expanded the staff and they are the staff that worked for the former police authority.

Q453 Mark Reckless: How well did you know Mr Burch prior to him taking up his current position?

Alan Hardwick: I knew him very well. I remember him being appointed, and we had a good and professional working relationship for three years before I was elected.

Q454 Mr Winnick: I notice that the salary of the chief executive is in excess of what is paid to the three of you. Is that correct, Mr Burns-Williamson?

Mark Burns-Williamson: Just to expand quickly, Fraser Sampson is someone I know well, and he was chief executive of the police authority, but he is a solicitor as well. The salary as chief executive is slightly below that of mine as the commissioner, but the additional amount for the solicitor duties takes it above £100,000.

Q455 Mr Winnick: Is that the position with you, Mr Passmore?

Tim Passmore: Yes. That was the position I inherited and that is why he has the salary he has.

Q456 Mr Winnick: Mr Hardwick?

Alan Hardwick: The answer is the same, sir. The salary has not increased.

Q457 Mr Winnick: I don't seem to have in the brief the salary of the chief executive in your case, Mr Hardwick.

Alan Hardwick: The salary of the chief executive is available online. From memory I believe it is £95,000 a year. My salary is £65,000 a year.

Mr Winnick: The other two chief executives seem to be paid more, but that is the situation. Thank you very much.

Q458 Chair: Mr Burns-Williamson, just one question about the report that was published last week as a result of Operation Yewtree. Have you had an opportunity to look at that report, and are you doing anything about the concerns that were expressed that West Yorkshire Police were perhaps too close to Mr Savile?

Mark Burns-Williamson: Yes. The report you are referring to is Operation Newgreen, which was a West Yorkshire-led review of matters relating to Jimmy Savile, but it falls under the ambit of Yewtree and in fact a referral to the IPCC. Last Friday I did a number of interviews to say that what we should bear in mind here are the victims in this awful episode, and that there are a number of things that were not done that should have been done by West Yorkshire Police and there are questions to answer. I am in conversation with the chief constable about how we take forward some recommendations within that report.

Also, in the police and crime plan that I published a few weeks ago, I did say that I wanted to now undertake a root-and-branch review of how complaints and discipline matters are dealt with. I can announce I will be launching that with Catherine Crawford, the ex-chief executive of the Metropolitan Police Authority, as the person who will oversee that review and report in the coming weeks.

Q459 Chair: That is very useful. It would be very useful for the Committee to be kept informed of what you are doing. As far as your situation is concerned, Mr Hardwick, going back to where we began, there is still an investigation going on. You have asked Sir Peter Fahy to now come and look at the situation, given that the IPCC referred the whole situation back to yourselves. Is there a timetable on this?

Alan Hardwick: I spoke to Sir Peter yesterday, and we are confident that the decision that will come from his investigation will be with me within four weeks.

Q460 Chair: If he comes to the conclusion that you were wrong, as the High Court judge did—

Alan Hardwick: I will honour that.

Q461 Chair: And apologise to the chief constable?

Alan Hardwick: Apologise to the chief constable? Yes, I would apologise to the chief constable.

Q462 Chair: Thank you. Finally, the reason why you have been called before us—and please do not take it personally; we could have called any of the police and crime commissioners before us—is that the Committee is very interested in this new appointment and where it will lead. Do you think that there ought to have been more guidance and support given to those who have been appointed to deal with this situation? Should the Home Office have been perhaps a little bit more proactive? I know that the Home Secretary has called you in recently to talk about the issue of ethics and other issues of that kind. Should more support have been given to you from the Home Office, Mr Burns-Williamson?

Mark Burns-Williamson: Clearly I come from a different perspective from my two colleagues here as a former chair of the West Yorkshire police authority and chair of the national association. I am on record as saying I think the legislation was badly drafted in the end. It is right and proper that there should be a review of this as we go on and clearly this Committee will hopefully play a role in that. It is new territory, as you said earlier, Chair, for all of us. Even for me, it feels very different. I feel I am doing many more

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hours in the job. I think a lot of the risk and the perception of the public has transferred from chief constables to police and crime commissioners, and that is good, because we are accountable and directly elected. It is important that we get the right advice and staff around us to ensure we make the best possible decisions we can. I felt the Government have not quite backed a policy that they introduced, and I think that was evidenced in the election process itself. It wasn't helpful to have an election in mid-November. I think the Government could have done more, yes.

Q463 Chair: Very briefly, Mr Hardwick, should there have been more help, more support? You come from a non-policing background, and you have been thrown into this.

Alan Hardwick: Yes, more help, more support, Mr Chairman.

Q464 Chair: From whom?

Alan Hardwick: From the Government. I think this has been made up as they have gone along. It seemed to be a very quick decision. It was not thought out

properly. We are the people who decided we were going to grasp the poisoned chalice because we were the people who thought we could make a positive difference in the counties that we now serve.

Q465 Chair: Mr Passmore?

Tim Passmore: I think there could have been more guidance. However, I do think it is a sound policy in principle and in the public interest. Being able to customise and localise policing in your area is clearly an advantage, and, of course, there is much greater transparency with one individual elected through the ballot box and greater accountability for whatever the constabulary does. More guidance, yes, but after the first six months I think it is a very worthwhile policy and will make a big difference.

Q466 Chair: Just to confirm, none of you have appointed chauffeurs?

All: No.

Chair: Commissioners, thank you very much for coming in. We are most grateful.

Examination of Witnesses

Witnesses: **Peter Box**, Outgoing Chair, West Yorkshire Police and Crime Panel, **Patricia O'Brien**, Chair, Suffolk Police and Crime Panel, and **Ray Wootten**, Chair, Lincolnshire Police and Crime Panel, gave evidence.

Q467 Chair: We welcome all the chairs to the dais. Thank you very much for coming—some of you at very short notice—to appear before the Committee.

I want to start with you, Councillor Wootten. You have heard the session, so you know roughly which direction the Committee is going in. We want to take you through the circumstances of the suspension of the chief constable. We have heard from the commissioner that you were informed that the chief constable was suspended from his post. Did you agree with that decision?

Ray Wootten: Good afternoon, Chairman. In fact the commissioner informed me at 10.00pm on 25 February that he was due to suspend the chief constable. At the time I asked why he was suspending the chief constable, and he said it was a confidential matter so I did not push further questions to the commissioner. Therefore, it wasn't until a later stage that I knew exactly what the suspension entailed.

Q468 Chair: It is pretty shocking news to receive at 10.00pm any night that the chief constable has been suspended by the new police and crime commissioner when you are the new chair of the panel.

Ray Wootten: It is indeed.

Q469 Chair: Did you not want to know why?

Ray Wootten: I did, but I took further legal advice the following day and I was told because it was perhaps an operational matter that we, as a panel, were not involved.

Chair: That it was an operational matter?

Ray Wootten: Exactly.

Q470 Chair: Was that a different legal adviser to the legal adviser who had given legal advice to the commissioner?

Ray Wootten: It was indeed. It was the county council legal adviser that advises East Lindsey District Council.

Q471 Chair: It was not an adviser to the panel; you went to your local authority?

Ray Wootten: No. I will just clarify that, Chairman. It was an adviser to the panel.

Q472 Chair: The panel has its own legal adviser—

Ray Wootten: It does indeed.

Chair:—which is the solicitor to the county council appointed by you.

Ray Wootten: No, it is not appointed by me. It is appointed by East Lindsey District Council.

Q473 Chair: How do they get to be the legal adviser to the panel?

Ray Wootten: I am afraid I do not know the answer to that question.

Q474 Chair: But you are the chair of the panel.

Ray Wootten: I am indeed.

Q475 Chair: Would you not know who appointed the legal adviser to the panel?

Ray Wootten: I don't, no.

Chair: I am a bit surprised at that. I would have thought if you were the chair of the panel you would know who was the legal adviser and who appointed them. Nobody has told you?

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Ray Wootten: No.

Q476 Chair: When the matter went to court and the High Court judge said this was a perverse decision, were you surprised at the decision of the High Court?

Ray Wootten: Yes, but again I took legal advice and was informed that that decision was not within our remit.

Chair: No, you did not take legal advice about your surprise. You were surprised?

Ray Wootten: Yes, I was indeed. Sorry, I misunderstood your question.

Chair: The issue of legal advice is quite separate. You were surprised that the High Court judge had said this was a perverse decision and had reinstated the chief constable. Your assumption was that the chief constable would not be reinstated.

Ray Wootten: I was not aware of the circumstances of why the chief constable was suspended. My reaction at the time was of surprise, but I have nothing further to say on that, Chairman.

Q477 Chair: We may have further questions to put to you. You may not have anything to say to us but this is a very serious matter that we need to probe. You were surprised, but even then you did not ask why he was suspended?

Ray Wootten: After the judgment I was informed by the commissioner the day before of why Neil Rhodes, the temporary chief constable, had been suspended.

Q478 Chair: Why did it take you 72 days to call a meeting of the panel to discuss this matter?

Ray Wootten: The reason is that I took legal advice and, once again, was informed that the suspension of the chief constable was not within our remit. I questioned this. I then took further advice from Mr Norris from the Local Government Association, who said it was. I then went back to our legal advice and again requested an extraordinary meeting and was informed that I could not have an extraordinary meeting.

Q479 Chair: By whom?

Ray Wootten: By our legal adviser. I then emailed Theresa May, the Home Secretary, to ask for clarification. On 26 March I received a letter from Damian Green, acting as Minister for Policing, who said that we did have authority to investigate.

Q480 Chair: Have you now dismissed the legal adviser?

Ray Wootten: No. I have now called for an extraordinary meeting, which took place last week, on 9 May, where we set up a task group to look at the suspension of the chief constable and any implications that it may have for policing in Lincolnshire.

Q481 Chair: Was this after the Committee asked you to appear before us?

Ray Wootten: No. This was before.

Q482 Chair: You convened a meeting before the Committee asked you to appear?

Ray Wootten: I did indeed.

Q483 Chair: The public, who were originally told they could enter the meeting—you are a Police and Crime Panel, and presumably you want the public to know and you said you would welcome the public to ask questions—were not allowed to enter the room. The meeting lasted 10 minutes.

Ray Wootten: The meeting lasted 15 minutes, Chairman. Unfortunately the room was packed. As a panel, we were unaware that there were members of the public waiting downstairs to enter the meeting. One of my panel members was restricted from entering the meeting as well. As a panel, we were totally unaware.

Q484 Chair: Councillor Wootten, what has happened in Lincolnshire sounds farcical.

Ray Wootten: It does.

Chair: No wonder it has reached the national press.

Ray Wootten: I have apologised myself to the members of the public on behalf of the panel, and East Lindsey District Council have apologised to the panel members for the circumstances on that day. It was completely out of our control.

Q485 Chair: It is not just the meeting, Mr Wootten; it is the whole circumstance that sounds extraordinary. Don't you think an apology is needed to the people of Lincolnshire for the way in which this has been handled?

Ray Wootten: I have asked the chief executive to issue a public apology.

Chair: The chief executive of what?

Ray Wootten: East Lindsey District Council. I have issued a public apology. The public apology has appeared in the local papers.

Q486 Chair: Mr Wootten, it is not for me or the Committee to give you legal advice, but you might want to look at the issue of who has given you this legal advice and the fact that you have had to go all the way to the Home Secretary and be told by the Policing Minister that you were able to call a meeting. How many years have you served in local government?

Ray Wootten: Six. I also have 22 years as a serving police officer, now retired.

Q487 Chair: Looking back at the whole circumstances of the events, it was a shambles, wasn't it?

Ray Wootten: I would agree with you. I have called on many occasions for an extraordinary meeting of the Police and Crime Panel. I have been told on many occasions that that meeting should not take place: first, because the judicial review was going ahead; and, secondly, the fact that county council elections were ongoing. Therefore, I waited for the end of the county council elections to demand an extraordinary meeting, which took place on 9 May.

Q488 Dr Huppert: I am slightly flabbergasted by some of what you have said. It seems to me that as chair of the panel you have a leadership role in making sure that these things are done correctly.

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Ray Wootten: I do. I have the full support of my panel.

Q489 Dr Huppert: If you have the full support of your panel and you called many times for extraordinary meetings and they did not happen, that suggests there is a concern. Some of us here were on the debate through this legislation, and certainly one of my major concerns was the panels would not be strong enough to get things done. I think we will come back to that, but it seems to me that you are not even living up to what the legislation allows.

Ray Wootten: I can assure you I am strong, otherwise I would not have taken further advice from Damian Green or from the Local Government Association. I have strongly called for an extraordinary meeting and it has been resisted from our legal department.

Q490 Dr Huppert: It seems to me the chair of a committee does not have to strongly call for meetings of their own committee. They normally just happen. I refer to the question that the Chair asked. You have a legal adviser and you do not know how they got the job, so presumably you asked a council to sort it out?

Ray Wootten: I understand the legal adviser is job shared. Although I am a district councillor, I am also a county councillor, and that legal adviser does share her role with different councils.

Q491 Dr Huppert: You have implied that the problems ultimately arise as a result of one of the district councils that make up the panel. Will you be detaching them from any further role in the Police and Crime Panel and find a different council that could service it, for example? It seems to me that you are having very poor service.

Ray Wootten: Sorry, could you just repeat that last section of your question?

Dr Huppert: As I understand it, you are getting advice and support from one of the district councils.

Ray Wootten: From the county council legal adviser, yes.

Q492 Dr Huppert: Could you get a different council to provide that service? It seems like they are not serving you well. If you, as the chair of a panel, are getting them refusing to allow you to call meetings of your own committee and giving legal advice that you then have to get Ministers to overturn, what does it take to get different legal advisers and get a different council to administer things?

Ray Wootten: That legal adviser was a senior legal adviser. It is like Alan Hardwick taking the decision to suspend the chief constable. He took legal advice. If you go against legal advice, where do you go?

Q493 Dr Huppert: You get other legal advisers who do not have the same problem. It seems to me that either you are getting very poor advice, in which case you need to get different advisers, or you are making poor decisions based on that advice.

Ray Wootten: I am certainly not making poor decisions—

Dr Huppert: If you are not making poor decisions, then it is the advice that must be wrong.

Ray Wootten:—otherwise I wouldn't be strongly pushing forward for action to be taken for an extraordinary meeting to be called.

Q494 Dr Huppert: I certainly know for this Committee if the Chair wants an extraordinary meeting to be called, an extraordinary meeting generally gets called relatively promptly. I don't think he spends months calling for it.

Chair: No, nor do I seek legal advice.

Ray Wootten: Mr Chairman, when you get written legal advice not to take any further action, what do you do?

Chair: The first thing you can do is send it to the Select Committee. We would like to see a copy of the advice and a timeline of what you have had to go through.

Ray Wootten: I have all the emails.

Chair: Councillor Wootten, it sounds pretty awful for you, and we would like to help you. It would be very helpful if you could let us have a timeline and any written legal advice and any emails you have received.

Ray Wootten: I just want to reiterate I do have the full support of my panel members.

Chair: I am very pleased to hear that.

Q495 Mark Reckless: I do not think one would at all want to personalise this in your individual personal role in Lincolnshire, not least because in Kent we had a similar situation with a youth police and crime commissioner that attracted the national headlines. A member of the panel wanted the panel to call an extraordinary meeting about it, but the chairman said that they were not allowed to on the basis of legal advice. But is it not the chairman who decides, not the legal adviser?

Ray Wootten: It is indeed, but when you have a door that is locked solid and you are banging on that door and it does not break down, how do you get through that door?

Q496 Mark Reckless: As a police officer previously, I am sure you could have answered that question. But, seriously, these Police and Crime Panels came into being, they are a great sort of Liberal Democrat initiative in addition to our legislation, but many people listening to this evidence will feel that they are not working. How can we make them work better?

Ray Wootten: That is a fair comment, because earlier on in the Police and Crime Panel meetings I had one member who wanted all the members to resign en bloc because they felt that we did not have enough strength or power to bring any commissioner to account.

Q497 Mark Reckless: Can you explain a bit more about the role of East Lindsey District Council? Why did they make the decision?

Ray Wootten: They are the host authority. The ones who set up—

Q498 Mark Reckless: Who decided they would be the host authority?

Ray Wootten: I do not know. I cannot answer that question.

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Q499 Mark Reckless: Could you please find the information and write to the Committee? I think it is reasonable to expect you, as chairman, to have that information. Is it not the case that the role of a host authority is to provide administrative support to the panel and its members not to make the decisions?

Ray Wootten: You are correct.

Q500 Mark Reckless: Will you now work to ensure that Lincolnshire functions in that way in the future?

Ray Wootten: Yes.

Q501 Mark Reckless: Could I ask the other two—I am sorry you have not been brought into the conversation so far—do you feel that your panel is working adequately?

Peter Box: It is far quieter than Lincolnshire. I think we are.

Q502 Mark Reckless: Is it meeting?

Peter Box: Yes. We met seven times in shadow form, and we have met six times formally since the commissioner was appointed. We met in shadow form, because I felt it was important to develop strong relationships between the panel members. We comprise Labour and Conservative members and two independent members on the panel. There are no pre-meetings of any kind, no political meetings, so I was keen to develop a strong team before we became live, hopefully to avoid some of the problems that we have heard earlier on today.

Q503 Mark Reckless: Ms O'Brien?

Patricia O'Brien: We have had I suppose a very easy ride when I listen to the other two. Similar to that gentleman, we have four Conservative councillors on there, seven district councillors and two independents. It has been working very well. We have had four meetings so far. I have had informal meetings with the commissioner. I have also had meetings with my vice-chairman, and we have discussed how we go forward. I have pre-meetings with my panel as well, and it has worked very well so far.

Q504 Mark Reckless: A final question from me to all three of you: do you see your role primarily as being one of scrutiny or one of support? What is the balance between those two roles in respect of the PCC and the panel relationship?

Peter Box: I am pleased you raised that because most of the questions so far have been in connection with the scrutiny role, and the legislation makes it clear there is that support role as well. I think if you look at the way that the police and crime commissioner's plan was dealt with, that shows how you can both scrutinise and support. We made comment on the plan. The commissioner came back and made some changes to the plan. I think that is just one example of how we can work constructively together, but at the same time be critical where you need to be.

Ray Wootten: I agree with those comments. We have had, again from our legal adviser, a reminder that we are there to support the commissioner.

Chair: I think every time you mention "legal adviser" there is a rolling of eyes on the part of this Committee,

because obviously you have not been well served so far, as you have said.

Ray Wootten: Mr Chairman, I can understand your frustrations. I have been very frustrated in being unable to call this meeting.

Q505 Chair: Yes, we understand your frustrations. Councillor O'Brien, would you like to answer Mr Reckless?

Patricia O'Brien: Yes. I have not used a legal adviser, but we have one. The officers of the panel have given me very good advice so far, and I have had no problems with it.

Q506 Steve McCabe: Councillor O'Brien, I want to direct this question at you, but I am not talking specifically about Mr Passmore. I am asking in general. Could you outline to the Committee what you think the Police and Crime Panel can do in terms of scrutinising any potential conflicts that may arise between the role of the commissioner and other paid work, directorships, interests or memberships of organisations he may have?

Patricia O'Brien: I think I would be very concerned if I felt that was not their primary role. As you have heard from the commissioners themselves, they are working 60 or 70 hours a week. I doubt if they could fit anything else in, although our commissioner is also a district councillor, but you can take a very back seat on that and he has been that for some time. I would expect them to give that their all and that there should not be any other outside interests that would take away from that.

Q507 Steve McCabe: Can I ask one other thing of all three of you. I served on the committee that scrutinised this legislation as well, and my memory is that Police and Crime Panels were actually quite a late addition to the legislation. Do you feel that you have the powers to do the job that you are being asked to do?

Patricia O'Brien: As you have heard, I do not think they are very considerable at all. The only power I see that we have is if the commissioner proposes a new chief constable and we disagree with his choice, then we can say, "No." We can veto that, but then he can bring forward somebody else, and we cannot do anything about it. I think we don't have much power, to be honest.

Q508 Bridget Phillipson: This is a question for any of the three witnesses. What steps are you taking to make sure that the police and crime commissioners publish the information required of them under the legislation? As we heard earlier in the evidence, there have been some concerns about delays in publishing the necessary financial information required by the police and crime commissioners.

Ray Wootten: If I can answer on behalf of Lincolnshire, I am in regular contact with Alan Hardwick, and he has complied with the legislation; so I am happy with that.

Patricia O'Brien: With Tim Passmore also.

Peter Box: I think you heard from the commissioner from West Yorkshire that he had already published

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information as required, so we are quite satisfied that that has been done.

Q509 Chair: Mr Box, we specifically put to Mr Burns-Williamson, the commissioner for your area, the issue of the appointment of a number of people who are Labour Party members to key posts. What was your role in this? You did serve as a councillor with Commissioner Burns-Williamson. He resigned in January, but at the relevant time I think he was still a councillor.

Peter Box: Yes, he was.

Q510 Chair: You were the leader of the council. What was your role in the appointment of the wife of the regional director of the Labour Party to this post?

Peter Box: None. No role at all.

Q511 Chair: I think in evidence the commissioner said to us that he had given you the names and they had been endorsed.

Peter Box: Sorry, yes. I thought you meant in terms of the appointment. We were simply asked to endorse the appointment that Mark had made, so the panel saw the candidate he put forward, and there was the formal process. The minutes are available, I think online. In terms of the actual appointment, I took no part at all.

Q512 Chair: No, but “endorsement” means what exactly? They paraded in front of you and you met them, or he sent you a letter saying, “I have decided to appoint these people”?

Peter Box: Yes, that is right. He sent us a letter saying he had decided to appoint Isabel Owen, and she came before the panel. She was questioned before the formal meeting.

Q513 Chair: She came before the panel?

Peter Box: Yes. Before the formal meeting we had met privately cross-party and agreed a set of questions we asked her to tease out whether we felt she was suitable for the role, bearing in mind the role that the commissioner envisaged for her.

Q514 Chair: So you met privately, you decided questions, she came before you, you asked her questions and then you endorsed—could you have said no?

Peter Box: We could have said, “No, we don’t endorse,” but my understanding of the legislation is that it was Mark’s appointment anyway.

Chair: So you could not say no?

Peter Box: We could say we did not agree, but at the end of the day I don’t think we could stop it.

Q515 Chair: Mr Wootten, have you had anyone appear before you? Has any appointment gone before you that you have had to endorse, that you needed legal advice for, perhaps?

Ray Wootten: No, no legal advice, Mr Chairman.

Chair: No legal advice, and no one appeared before you to endorse?

Ray Wootten: Yes. I have interviewed the two independent panel members.

Chair: No. Have any of the appointments made by the commissioner—

Ray Wootten: Sorry, no. I misunderstood what you were talking about; no, none at all, sir.

Q516 Chair: None at all. Councillor O’Brien?

Patricia O'Brien: The chief constable came before the panel.

Chair: After appointment he came before the panel and you interviewed him?

Patricia O'Brien: Yes.

Q517 Chair: Could you have said no?

Patricia O'Brien: We could have. As I said before, if we said no, then the commissioner would have had to go away and think again and perhaps present somebody else, but then we have no power of veto of the next appointment.

Q518 Chris Ruane: Mr McCabe touched on the question before to Ms O’Brien concerning whether you have the right toolbox or powers and resources to hold a PCC to account. I think Mr Wootten mentioned before, “We didn’t have enough strength or power to take it,” and I think he meant the legal adviser.

Ray Wootten: Correct, yes.

Q519 Chris Ruane: Would you like to expand on that? What powers would help you?

Ray Wootten: For any commissioner that appears before the Lincolnshire Police and Crime Panel, we are able to veto his policing plan and his precept, but apart from that we have no real power to say, “No, don’t do this.” He can only listen to what we have to say, take that advice on or not.

Q520 Chris Ruane: What else would you like to veto?

Ray Wootten: I would like the power to ensure that a commissioner, if given a question, is empowered or has to answer that question in full to the panel—has to by law.

Q521 Chris Ruane: What about the legal advice? You had to go to the Home Secretary and then to the Policing Minister.

Ray Wootten: Yes, but that was for a different issue, sir. That was for the issue of whether we could call an extraordinary meeting to look into the suspension of the temporary chief constable.

Chris Ruane: Your legal adviser gave you bum advice and you had to go—

Ray Wootten: Yes.

Q522 Chris Ruane: Should there be somebody above your legal adviser, not the Home Secretary, that you should be able to go to for a second opinion?

Ray Wootten: Yes, which I did. I went to Mark Norris, who is a senior adviser in the Local Government Association, to give me some advice.

Q523 Chris Ruane: But his advice was not listened to by you—

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Ray Wootten: His advice was the same as Damian Green's, that we were empowered to hold an extraordinary meeting, which is why I called one.

Q524 Chris Ruane: But your legal adviser would not listen to that advice, and you had to go to the Home Secretary.

Ray Wootten: She didn't, no, but to be fair to her, that was when the judicial review was ongoing and also then we had the county council elections. She thought that if we held an extraordinary meeting, there would be some political advantage for a member of the panel who had raised the question while that meeting was in public.

Q525 Chris Ruane: Mr Box, is your toolbox full enough? Do you need more powers?

Peter Box: I don't agree with what has just been said.

Chris Ruane: Good. Tell us about it.

Peter Box: I thought you would like that. I don't agree with it.

Mr Winnick: That has been pretty obvious from your facial expressions.

Peter Box: Yes. I should try to curb that, I know. I keep getting told that, but I can't resist. The truth is that you can legislate all you want but power quite often is informal power. I have been fascinated about the lawyer.

Chris Ruane: We are, too.

Peter Box: If I wanted to call an extraordinary general meeting, I would do; end of. I would just find a lawyer who would tell me a way I can do things. No disrespect to the Chair, knowing your background, but if you ask 10 lawyers for a bit of advice, you get 10 different answers. Personally, I would have probably got one that would find a way for a meeting to be held if I thought it was needed. As you alluded to earlier on when you questioned the commissioners, the power of the press is very valuable. I think that you need a strong panel that is going to scrutinise but at the same time work with the commissioner, and you accrete power to yourself if you create a strong relationship. Power moves away if there is not that strong relationship between the panel and the commissioner. That is why I think in West Yorkshire we have a strong panel, because it is truly cross-party, and at the same time we have a strong relationship with the commissioner. In my view, that makes us powerful, because if we ask Mark a question, he will come along. He has not refused to answer anything we have put to him. As he said in his evidence, he has been to the panel I think on six occasions. By building that strong relationship, we do not have the problems that we appear to be developing elsewhere.

Q526 Chair: Thank you. Mr Box, you have decided to resign as the chairman of the panel?

Peter Box: I have.

Q527 Chair: When did you decide to do that?

Peter Box: It was not because of—

Q528 Chair: Was it because of our letter?

Peter Box: Despite what some might think, no. I enjoy the Select Committees. I have been to a few now, and I enjoy it. I was keen to come to come and talk about how—

Q529 Chair: Yes, but when did you resign and why?

Peter Box: I only became chair because the West Yorkshire leaders agreed that Wakefield should chair it. I am the senior leader in the whole of—

Q560 Chair: Yes. When did you become chair and why did you resign?

Peter Box: I became chair in about July last year.

Q561 Chair: Why did you resign, and when did you resign?

Peter Box: Why? I told the panel at the last meeting I was resigning, about four weeks ago, and the reason is that I only agreed to do it at the behest of the other West Yorkshire leaders to try to give it a strong, solid start, because I am the senior leader. It was always my intention to stand down after that first year.

Q562 Lorraine Fullbrook: I would just like to go back to the issue of advice. Councillor Box and Councillor O'Brien, has your panel ever felt the need to take any advice from a district or borough or any other kind of council?

Patricia O'Brien: On my part, not yet. I think it is still early days for the commissioner and for the panel. We are still in the process of learning, and we have not had too many reports that come to the panel that have been very concrete, except for the policing plan. Yes, I would certainly look for advice in other areas if the need arose.

Peter Box: I did not quite catch the question, sorry.

Lorraine Fullbrook: I was asking if either of you have felt the need to take any advice from a district borough or any other kind of council for anything on your crime panel.

Peter Box: No.

Q 563 Lorraine Fullbrook: Mr Wootten, you were saying that East Lindsey District Council had given you wrong advice about the extraordinary general meeting. I have to say, I kind of lost the plot about why a district council would be involved in decisions made by your crime panel, but, rather than you making the public apology, should you not ask East Lindsey District Council to make the public apology?

Ray Wootten: I have indeed. In fact, I had a conversation with the chief executive yesterday, and his agreement was that if there was more media coverage this week then he would make a public apology, but he felt that this was not the right route to go down.

Q564 Lorraine Fullbrook: Are you going to wait all week to see if there is any more media excitement? This was not your cock-up, in effect.

Ray Wootten: No, it is—exactly.

Q565 Lorraine Fullbrook: Can't you ask them to make the apology public? If I was in your shoes, I would not be taking the rap.

Ray Wootten: I did though, yes.

Q566 Lorraine Fullbrook: But you said you are going to wait a week and see if there is any more media—

Ray Wootten: We have agreed to wait until this Friday to see if there is any more media coverage.

Q567 Lorraine Fullbrook: If there is not, you take the fall. You are the fall guy?

Ray Wootten: Exactly.

Lorraine Fullbrook: If there is, they are the fall guy. Is that it?

Ray Wootten: Correct. You have it in one.

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Q568 Lorraine Fullbrook: Why are you being the fall guy at all?

Ray Wootten: I shouldn't be, should I?

Lorraine Fullbrook: But that is your decision. Why are you putting yourself in that position? Best advice: don't be the fall guy.

Ray Wootten: I am not. I took the decision on the day to publicly apologise to the members of the public who were excluded from that meeting and also inform them of the contents of that meeting. After that meeting, one of our officers emailed all members of the panel to apologise on behalf of East Lindsey District Council. Clearly I was furious that one of my panel members had been excluded from one of my meetings, as did the public.

Q569 Chair: Mr Wootten, I think the Committee finds this state of affairs very unsatisfactory.

Ray Wootten: I agree with you, Chair.

Chair: We will write to the Chief Executive of East Lindsey Council today asking for a full explanation.

Ray Wootten: Thank you.

Chair: We don't think it is satisfactory that you should wait to see whether there are articles in the newspaper before advising the public on such a very important matter.

Q570 Mr Winnick: Ms O'Brien and Mr Wootten, coming away for the moment from the legal advice that you were given, but you both indicated, if not Mr Box, that you feel that you needed more powers. Is that the position, Mr Wootten: more powers for the panel?

Peter Box: I think it is too early to say. The panel has not yet—

Mr Winnick: No, I was asking Mr Wootten.

Peter Box: Sorry, I apologise.

Ray Wootten: Sorry, could you just repeat the question, sorry?

Mr Winnick: I had the impression from both of you, Mr Wootten and Ms O'Brien, that you feel the panels should have more powers.

Ray Wootten: I feel we are supporting the commissioner and I am happy to support the commissioner, but, at the end of the day, the commissioner can dismiss any of our recommendations in law.

Mr Winnick: You agree with that?

Patricia O'Brien: I feel the same.

Q571 Mr Winnick: Would you agree as well that to some extent these panels that have been created try to give the impression that the police and crime commissioners are answerable to some form of panel like yourselves is a cosmetic exercise and in effect does not really prove much?

Ray Wootten: Many of my members, sir, feel that the panel is just rubberstamping the commissioner's—

Patricia O'Brien: I feel the same. It does feel a bit like a cosmetic exercise.

Mr Winnick: Even after this very short period of time, you have come to that view?

Ray Wootten: Yes.

Q572 Chair: You know you are the only body that scrutinises the commissioner for a period of four years? You are aware of that?

Patricia O'Brien: Yes.

Ray Wootten: Yes.

Q573 Michael Ellis: Mr Wootten, can I suggest that if someone has done something wrong, it should not depend on whether media attention is the focus of the issue before an apology is given. Perhaps you could suggest that to the council involved, who ought not wait to see whether there is more adverse media commentary before they apologise. They should get on and apologise for it if they have done something wrong and if they accept that.

Ray Wootten: I would agree with that totally.

Q574 Michael Ellis: Perhaps they will have heard the questions of this Committee and your answers.

As far as the crime panel is concerned in the scrutiny for PCC appointments, Mr Box, can I come back to you? You said effectively that you would ignore legal advice. That seems to be what you were saying. Although that sounds all very amusing, we do expect our public officials to act under the law, do we not? You would not assume that you are above the law, would you? After all, even Secretaries of State have to sometimes accept rather painful legal advice and legal advice they may very strongly disagree with. I presume you would accept that you are not above the law and you will listen to legal advice if it is properly given to you. After all, if you do not, is it not often the case that those officials who choose to ignore legal advice may be personally responsible for actions that follow as a result of it?

Peter Box: I was not sure that the evidence I gave suggested at all that I would ignore the law; far from it. The reality is that if you get an opinion from a lawyer, you can go to another lawyer and get a separate opinion that says something different. That is what happens in the real world. You can get advice from different lawyers who give you different answers. Now then, what I was trying to say—and forgive the somewhat light-hearted way, if it came over like that—is that, in terms of the particular issue that was being raised, if you go to a lawyer and say, "Can you find me a way around this particular issue?" by and large, lawyers can. They look at the legislation. As elected members, we do not know every single dot and comma of legislation. That is why we do have lawyers. You say to a lawyer, "Can you find me a way? Is it legal to do this?" Lawyers tend to be cautious, and, having heard what has been said earlier on, it seems to me that caution ruled the day.

Q575 Michael Ellis: All right. Do you agree that the deputy police and crime commissioner can essentially be a political appointment? Do you think that is appropriate, like a special adviser? Is that something that you agree with?

Peter Box: Do I personally agree with it? The commissioner in West Yorkshire, and I was here while he was giving evidence on this, made it quite clear that he said during his election campaign that is what he would do.

Q576 Michael Ellis: Yes, but do you agree generally? For example, if it was a Conservative or a Liberal Democrat, would you take the same approach or is your approach based on partisanship?

Peter Box: I suppose all of us, from whatever party, are partisan on occasions, and I am no different. On other occasions, as Chair of Leeds City Regional Leaders Board, I work very closely with

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Conservatives and regard them as my friends. I am very pragmatic when it comes to getting things done. I would work with anybody, quite frankly.

Q577 Michael Ellis: Do you think that it can be a political appointment of the PCC?

Peter Box: I thought the legislation made it clear that that was the one appointment that was political.

Q578 Michael Ellis: Do you accept that? You accept that it is like a special adviser?

Peter Box: It is the legislation. It is the law.

Q579 Michael Ellis: Do you feel the same way, Mr Wootten and Ms O'Brien, that that is not a problem?

Ray Wootten: I think it could be a political appointment, but the public in Lincolnshire voted for a non-political appointment.

Michael Ellis: Yes, but the general principle is one that you find perfectly sound?

Ray Wootten: Yes.

Patricia O'Brien: I think it is a bit difficult if you are a Labour or a Conservative commissioner and then you are appointing perhaps somebody who has very different views from you. I think that is where the conflict would be, but, ideally, it should be the best person for the job.

Michael Ellis: But you agree, subject to those obvious qualifications of the best person for the job, that it is perfectly sound to have it as a political appointment?

Ray Wootten: Yes.

Patricia O'Brien: Yes, I think so.

Michael Ellis: Thank you.

Chair: Thank you very much. Mr Box, Mr Wootten, Councillor O'Brien, thank you very much for coming to give evidence. We will be writing to you, Mr Wootten. We would like a timeline of what has happened and we will also be writing to East Lindsey Council. Thank you very much for coming.

Examination of Witness

Witness: **Tom Winsor**, Her Majesty's Chief Inspector of Constabulary, gave evidence.

Q580 Chair: Chief Inspector, thank you very much for coming and welcome back. I think the last time we saw you giving evidence was at your appointment hearing.

Tom Winsor: Yes.

Q581 Chair: Has it been what you expected?

Tom Winsor: No.

Q582 Chair: Better?

Tom Winsor: Yes.

Q583 Chair: Has the police force now fallen in love with you after all the controversies of the past?

Tom Winsor: No, and nor should they.

Q584 Chair: Let us move to the new landscape of policing, because we have sat with great interest and watched the revolution in terms of the changes in the number of organisations and institutions in the new landscape. One organisation has remained the same, which is the inspectorate, and therefore you come to give evidence at a time when all the other organisations are going through renewal, change, new appointments, vesting instruments, and the inspectorate is very much as it was before. Do you think that, having looked at the new landscape, there is scope for a greater role for the inspectorate, and, if there is a role for the inspectorate in the new landscape, what do you think it should be?

Tom Winsor: It is very early days to be saying that. As we have seen from the oral evidence sessions that you have had today, police and crime commissioners and the panels are not long established and in some respects are still feeling their way. This is a very different model of democratic accountability, and I think we need to give it some time to settle in.

The College of Policing is an extremely welcome, new thing that is already working as the college, and my office will establish a concordat with the college to define very clearly, in as plain as possible terms, the respective roles and jurisdictions of our organisations, because they are both pointing at the same thing: the public interest, improvement to policing.

Q585 Chair: On the college, do you think that you ought to be serving on the board of the college?

Tom Winsor: No.

Q586 Chair: Sir Denis O'Connor is obviously on there as the former chief inspector. You see yourself as being quite separate, and you talk about a concordat between the two organisations. You don't think that you should be on there?

Tom Winsor: No, I don't. I am sure there is an ex officio role for emeritus chief inspectors of constabulary, but no, I don't. I think that the college is very much over the police. It is a standard-setting professional body. The inspectorate will, in almost all respects, be inspecting against standards set by the police. It will be consulted by the college as to what those standards should be, and it will, I am certain, be listened to. I do not think that the inspectorate should be sitting on the board of the college. I am very happy to, and indeed determined to, co-operate with them to the greatest extent possible, but you asked about the other parts of the landscape, because we are going to have the National Crime Agency and much else change.

Q587 Chair: Yes, but you will remain the same—

Tom Winsor: Broadly the same.

Chair:—and is there not a scope for the inspectorate to have a greater role, given the position it is in?

Tom Winsor: Yes. Our role has been diminished by the Police Reform and Social Responsibility Act 2011, because we no longer have a role in the appointment of chief constables. Now, that is the will of Parliament. I think there has been a certain amount of dissatisfaction with that decision by Parliament on the part of police and crime commissioners, because they have to make these appointments without the advice of HMIC, but I think it is important that HMIC respects the will of Parliament—of course we must—and therefore it is not appropriate for us to be giving informal advice, whisperings behind the tapestries, about chief officer candidates to police and crime

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commissioners. Our role in that respect has been reduced.

Q588 Chair: Yes, I understand that, but you have now five inspectors. The majority are not former police officers—

Tom Winsor: That is right.

Chair:—for the first time.

Tom Winsor: For the first time ever.

Q589 Chair: With a budget—I think total salaries are about £1 million a year.

Tom Winsor: That is collectively, not individually.

Q590 Chair: Collectively, yes, of course. I know you took a big pay cut, but it was not as much as that; of course collectively.

I think that, as far as the public and Parliament are concerned, here is an organisation that has a very good brand name that ought to be doing more than just producing reports. I give you just two examples. First is the double-hatting that we have at the moment where chief constables, who presumably are very busy people, are often called in to inspect other forces—I am thinking of Mike Creedon in Derbyshire, who is beginning an inquiry into undercover police officers that has gone on already for 18 months; Peter Fahy, who, we have just heard, is doing an investigation into the Chief Constable of Lincolnshire; and other examples, including Keith Bristow, the NCA Director, who is now doing an inquiry or overseeing the inquiry into the North Wales child abuse scandal. Isn't this something that the inspectorate should be doing to avoid chief constables, who have a very busy life, having to do this work?

Tom Winsor: As far as that kind of work is concerned, I would differ from you. I do not think the answer is yes. These are investigations into live matters, or matters just recently concluded, which require current investigatory skills of a detective nature, and it seems to me the inspectorate is not the body for doing that. The IPCC is the body that does that. It deals with individual cases. We deal with systemic failings, and our role is efficiency and effectiveness. You used the phrase “just producing reports”. It doesn't feel like that, because the jurisdiction of the HMIC is as wide as policing itself.

Our statutory remit, established in 1856 and still the same today, is inspecting and reporting to Parliament now on the efficiency and effectiveness of policing, and I cannot think of any aspect of policing that is excluded from that remit. It is an extraordinarily wide remit, and, in a number of respects, our jurisdiction has been changed. We now report direct to Parliament. It is my obligation as Chief Inspector of Constabulary to produce an annual statement to Parliament on efficiency and effectiveness of policing as well as the individual reports that we do, but the power of HMIC is and always has been the authority of its voice. It is for others, the Home Secretary, the police and crime commissioners or this Committee, to do things with what we say, and, therefore, the importance of our reporting directly to Parliament and not to the Home Secretary, I think, is an extremely welcome innovation.

Q591 Chair: You sat through some of that evidence. If the commissioner for Lincolnshire was able to ring up yourself as the chief inspector or the inspectorate

to get the advice that was needed in terms of overall strategy—not legal advice but for dealing with a situation of this kind—yours would be the kind of organisation that they ought to turn to. Have you looked at the role of PCCs as to whether or not in fact you have a role to play there?

Tom Winsor: If you are talking about the suspension of the chief constable, which I think you are talking about, then I must be very careful what I say, because Parliament has now legislated so that, before a police and crime commissioner may dismiss a chief constable, he must obtain a report from the Chief Inspector of Constabulary on that matter. The Lincolnshire matter is not yet concluded, so I really should not be commenting on anything concerning Lincolnshire, because I have to have—

Q592 Chair: Leave Lincolnshire to one side. Is it just dismissal, or could it be suspension as well?

Tom Winsor: They may very well ask for our advice on suspension matters as well.

Chair: They can do so now?

Tom Winsor: Correct.

Q593 Chair: Are they aware of this?

Tom Winsor: I don't know what they are aware of.

Chair: I think some of them are not either.

Q594 Lorraine Fullbrook: Chief Inspector, I would like to ask you some questions about misconduct. Do you think it is acceptable that the door should be open for officers who retire with disciplinary proceedings pending to then rejoin their respective force or any other force later? There are many examples, but I am thinking particularly of Simon Harwood, in the case of the death of Ian Tomlinson at the G20 riots, or indeed Grahame Maxwell, the former chief constable of North Yorkshire, who collected a £250,000 payout on retirement after being found guilty of gross misconduct. Do you think it is acceptable for these people with proceedings pending to then join up later and in some cases join three days later?

Tom Winsor: Yes, it is remarkable that a police officer can so easily escape the full rigour of the disciplinary process by the simple expedient of resigning, and it may very well be that Parliament will decide to tighten the law in that respect. For example, as things stand at the moment, chief officers and police and crime commissioners cannot stop officers from resigning and that will put an end to the process. I think that Parliament is to be asked now to change that situation, and it might also be worth considering whether the arrangements for the forfeiture of police pensions could be or should be extended to the most serious cases. Again, it is a discretionary matter. For example, if there have been criminal proceedings that have led to a conviction or a dismissal for gross misconduct, then consideration should be given as to whether or not the officer in question should face a financial penalty—not necessarily his whole pension, but a proportion of his pension—to mark the disapproval of the public.

Q595 Lorraine Fullbrook: Thank you. Under what circumstances do you think misconduct hearings should be undertaken anonymously?

Tom Winsor: I think what we must always keep sight of is the presumption of innocence, but it is also appropriate that justice not only should be done but

should be seen to be done. Therefore, while it should be, it seems to me, in the discretion of the relevant tribunal to protect the identity of the accused person in an appropriate case, there is much to be said for there to be a presumption of transparency, a presumption of publicity. But we must always remember, and it will depend on the nature of the charge, that police officers are in a very vulnerable position in relation to allegations that have no substance. People will make allegations against police officers out of malice and other inappropriate motives and it is important, if the allegations have the appearance of being evenly balanced or likely to be dismissed, that the officer in question's integrity and his public reputation is not jeopardised.

Q596 Lorraine Fullbrook: Yes. You would not think that the anonymous hearings increase the risk to a repeat problem?

Tom Winsor: Sorry, the absence of the publicity wouldn't—

Lorraine Fullbrook: No, the anonymous hearings. You do not think undertaking hearings anonymously increases the risk of the problems repeating themselves?

Tom Winsor: This is very fact-specific and context-sensitive. In some cases, that may very well be the case. I think that the presumption of openness is a fair one, but it must be on a case-by-case basis.

Q597 Lorraine Fullbrook: Thank you. Now, the Metropolitan Police have recently begun to publish details of misconduct hearings. Do you think this is a useful model for other forces to follow?

Tom Winsor: Following on from my last answer, yes, I think that there is great value in misconduct hearings being in the public domain in the most appropriate of cases.

Q598 Lorraine Fullbrook: With respect to the College of Policing, what should they do, if anything, to improve integrity?

Tom Winsor: The College of Policing has an extraordinarily wide remit, and I think one of the highest priorities they have at the moment is the setting of standards that have a close relationship to integrity. I think it is extremely important as a professional college, maybe even a royal professional college, that they are very assiduous in explaining to officers what behaving with integrity really means. It can mean different things to different people, and it is extremely important that there are very simple, practical examples of where the line is. The oath that a police officer takes at the commencement of his and her service is very clear that they will act with honesty and integrity, uphold the law, respect human rights and so on. I think that police officers and others involved in policing would welcome the clearest possible guidance as to practical examples of where the line is.

Q599 Michael Ellis: Mr Winsor, it has now been over two years since the Winsor review. First of all, has your new perspective from HMIC caused you to re-evaluate any of your previous recommendations?

Tom Winsor: Yes, in one material respect. I had not anticipated when I did the review that there would be such a difficult process for the implementation of the recommendations, assuming the Home Secretary

wanted to have them implemented. The Police Negotiating Board and the Police Arbitration Tribunal have, perfectly properly I have no doubt, caused the recommendations to take a much slower path to implementation than ever I had anticipated. If I had known then what I know now—we can all say that in life—then I would have made an interim report recommending the abolition of the Police Negotiating Board and the Police Arbitration Tribunal and instead their replacement with the Police Remuneration Review Body, which is now in the Bill so recently introduced into Parliament.

Q600 Michael Ellis: Are you saying that the Negotiating Board and the Arbitration Panel are being deliberately obstructive?

Tom Winsor: I did not say they were being deliberately obstructive.

Michael Ellis: I know you didn't say it, but I am saying that you are saying it. Are you not saying that?

Tom Winsor: I am not saying deliberately, but it has slowed things down very, very considerably and some of the—

Q601 Michael Ellis: But you think that the slowness with which they are processing it is justified?

Tom Winsor: I think it is a function of the constitution of those bodies and also, perfectly legitimately, the weight, complexity and volume of recommendations in my report that have needed to be put into that machinery.

Q602 Michael Ellis: In that case, if you think it is justified, effectively, or part of their function, why would you have wished to replace them?

Tom Winsor: I still do wish to replace them and chapter 10 of my second report said that—

Michael Ellis: As an interim measure?

Tom Winsor: No. I wish I had issued an interim report recommending their permanent, not interim, replacement. I think they should have been abolished; I think they should have been abolished first. I think they should have been abolished fast and forever.

Q603 Michael Ellis: You have always thought that, from your review, but what you are saying is different now—correct me if I am wrong—in that you would have preferred to have issued an interim report along those lines so as to make it easier for your other recommendations to be expeditiously dealt with?

Tom Winsor: Yes, by the Police Remuneration Review Body or the Home Secretary after due consultation of their own motion.

Q604 Michael Ellis: Very well. If you have to return to any of your recommendations that have not yet been implemented, which would they be and why?

Tom Winsor: I wish I had gone further in relation to the flexibility of a chief officer to bring someone in from an outside job, perhaps with a lot of years' experience, at a higher salary than as things are at the moment; to be able to slot someone in higher up on the pay scale rather than just start at the bottom.

Michael Ellis: Could you be a little more specific?

Tom Winsor: When an officer joins the police—let us say he or she has had a career outside policing, maybe someone in their early 30s, who already has a family and other financial commitments—to be able to take that person from that job, recognise that significant other experience and slot them in higher up the pay

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progression threshold rather than at the bottom of the ladder; even though, according to my recommendations, the ladder of progression as a constable has been reduced from effectively 11 points to six or seven. They will go up that ladder faster, provided the other recommendations that I have made in relation to skills-based progression rather than time-based progression are implemented, which is something that has been significantly delayed, to July 2014 I now know, with the Police Negotiating Board, which will then have to go to the Police Arbitration Tribunal, and so on it will go. It will be after the next election before some of the recommendations that I have made will be implemented, if indeed they are to be.

Q605 Dr Huppert: Can I turn to the issue about crime statistics? There has been some interesting debate about this, and you said recently that the real test of police efficiency is the absence of crime and disorder, not how active the police are in dealing with it after it has happened. I would certainly agree with that and I suspect many people would, but that does rely on good figures showing the absence of crime and disorder, and there has been a lot of debate. There is no doubt that the figures are coming down quite substantially. There have been suggestions that that is due to massaging of figures. It is somewhat hard for me at least to see how murder figures get massaged quite so effectively, but do you have an analysis of whether there is any truth to suggestions there is massaging of figures going on? If so, how much of it and what sort of things, and what are you doing to prevent it?

Tom Winsor: If I may say at the beginning, you are absolutely correct. The figures are critical to a whole range of decisions that elected officials, chief constables and others must make. Information is the oxygen of accountability, and the information must be sound. Intelligence is critical in policing and intelligence about how much crime there is, where it is and why it is happening is extremely important. There have been anxieties expressed in relation to the quality of crime data statistics, and it is for that reason that, subject to the outcome of consultation that finished last week on HMIC's 2013–14 inspection programme, we will be doing an all-force inspection of the integrity of crime recording by the police and we will report on it when we have done it.

Q606 Dr Huppert: Can you say a bit more about the methodology as to how that will work? What reporting errors will you be looking for, and what do you think you might not be able to catch?

Tom Winsor: Well, one of them, for example, would be circumstances where crimes are incorrectly recorded, or not recorded as crimes but are recorded as incidents, and there are a number of circumstances in which this sort of thing can happen. It is alleged that from time to time police officers who are eager to improve their clear-up rates will go to a prison and get some people who are already in prison to confess to crimes they did not commit to be taken into consideration. Then there are circumstances where crimes are classified as of a lower seriousness than they deserve—for example: rape being classified as sexual assault; multiple crimes at the same location

being recorded as single crimes; theft of an article being recorded as lost property; violence with injury being recorded as common assault; burglary being classified as theft in a dwelling; robbery being classified as theft from a person; and so on. That is lowering the seriousness of the crimes in question and we will not only on our force inspections examine a representative sample of these recorded crimes but will also do the appropriate interviews and get to the bottom of what is happening and why.

Q607 Dr Huppert: Do you have any evidence to suggest that this downgrading is happening substantially at the moment?

Tom Winsor: No.

Dr Huppert: Or even at all?

Tom Winsor: But I think it is legitimate that we assess the matter, particularly in view of public anxiety that there may be something awry.

Dr Huppert: When do you anticipate this to report?

Tom Winsor: I anticipate that we will report in the autumn of 2014.

Q608 Dr Huppert: It will give an overall figure as well as presumably look at individual constabularies?

Tom Winsor: Yes. It will also be the subject of my annual report to Parliament after the report has been published.

Q609 Steve McCabe: Mr Winsor, in terms of police efficiency, I just wondered if you were familiar with the work that the Vanguard Consultancy Service is doing with a number of police forces across the country and some of the claims for efficiency that are being made as a result of this work?

Tom Winsor: No.

Q610 Steve McCabe: Is that something you would be interested in looking at?

Tom Winsor: It sounds like I should.

Q611 Bridget Phillipson: Mr Winsor, just returning to the point Dr Huppert was just talking to you about regarding the classification of crimes, it is obviously a concern if that is happening. If a victim feels that a crime has been classified as less serious than they believe the crime would suggest, what mechanism is there for that victim to ask for that to be reviewed? What changes do you think can be made within the process for there to be a greater degree of scrutiny, particularly from the victim's perspective, if they have concerns?

Tom Winsor: The victim's first port of call is to ask the police force in question to give their reasons for classifying the offence in question as of a lower seriousness than in question, and there are appeal procedures within police forces for the matter to be reviewed by a more senior officer. If the victim believes that the matter has been wrongfully and perhaps culpably misclassified, then a complaint can be made to the Independent Police Complaints Commission. If there is evidence of a systemic practice of this kind, then that is of interest to HMIC.

Q612 Bridget Phillipson: Dr Huppert asked about what evidence you have to suggest that this could be a problem. Are you aware of reports from victims about this happening, or is it perhaps that victims are unaware that that process is available to them?

Tom Winsor: We are aware of anxieties, because we receive communications from the public, but the

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Chairman of the Police Federation today has made comments that there may be inappropriate practices taking place, and I think we must take that very seriously.

Q613 Mr Winnick: Mr Winsor, you made a speech about a fortnight ago where you talked about the degree of public acceptance of the use of police powers and so on and made the point of the need that police officers in communities should resemble the inhabitants of that community. What progress do you think is being made as far as diversity is concerned when it comes to the police force generally?

Tom Winsor: Not enough.

Q614 Mr Winnick: Before you go on, you gave a very frank answer—"Not enough." What powers do you have, if any, to change that position?

Tom Winsor: We do not have powers of compulsion of any kind. The powers of HMIC are in its voice, as I said earlier, and the authority with which we speak. It is for others to take remedial action where there are under-represented groups in the police force. The groups in question are under-represented in different parts of the country to different extents. The largest proportion of police officers—I do not mean police staff, but police officers—from black and minority ethnic groups in the Metropolitan Police is 10.1%. That is not still reflective of the cultural make-up of London, but it is the highest of all the police forces. West Midlands is 8.3% and the British Transport Police is 7.4%. In Leicestershire it is 6.7%; and we have other numbers. But it is highly desirable that the diversity of the police force reflects the communities because that is critical to the degree of public acceptance. However, I also said in my remarks a couple of weeks ago that I believe that the only criterion for entry into and advancement within the police service should be merit.

Q615 Mr Winnick: That is not in dispute, Mr Winsor; I don't know of anyone who has ever suggested otherwise, and I am not suggesting you should not have stated it or emphasised it, but obviously no one has ever suggested, to my knowledge, that entry to the police force should be other than merit. We can take it for granted that it must be merit. You have no powers, as you have just told us. Influence?

Tom Winsor: Yes. The chief constable of Greater Manchester, if he was correctly reported in *The Guardian* on 27 January this year, has said that police forces should be compelled to discriminate positively in favour of black and minority ethnic officers in the face of a growing diversity crisis. I don't know whether he has been correctly reported or not, but, for my part, I think positive discrimination is not appropriate. However, there are other things that can and should be done by police forces. I think police forces should much more actively seek out the brightest and the best, the people who would make really good police officers in all the communities in question, and forcefully promote the advantages of a police career to people in those communities. Now, they are going to have limited penetration in some cases because of community suspicion or mistrust for the police, but we have to break into it somehow, and I think it is extremely important that that is done.

Q616 Mr Winnick: When it comes to the most senior positions in the police force, the figures are rather disappointing, are they not?

Tom Winsor: Yes. I do not think there was a single black or minority ethnic officer on the senior command course this year. I think that that is regrettable, but it is something that we saw in the judiciary and still see in the judiciary now. Depending on accelerated promotion—but it takes time to reach the highest ranks in the police service, just as it takes a very long time to reach the highest echelons of the legal profession and into the senior judiciary, but it is happening. There are far more women on the Court of Appeal and in the High Court than there were a generation ago, and it will change over time. It may be slow, but it must happen.

Q617 Mr Winnick: Thank you. On gender, the prejudice and I obviously do consider it as prejudice, of some years ago that they could be supporting police officers, but you could hardly expect women police officers to do the job of men—they do not have the physique or strength and all that sort of argument that was used as far as discrimination or to try to justify discrimination—do you think that has been largely undermined and it is now accepted that female officers can do the job equally with men? Do you think the prejudice has been broken down?

Tom Winsor: Yes, I think it has very largely been broken down. It is impossible to say it has been eliminated, in the same way as it is impossible to say that racism has been eliminated in the police. I remember a conversation with Mr Tim Godwin, who was then the acting Commissioner of the Met when I was doing the police pay and conditions review, saying, "Well, surely you need big heavy men to deal with big heavy men in a pub fight on a Friday," and he said, "The most effective officer to send into a pub fight on a Friday night is a five-foot-two woman, because they just won't hit her."

Q618 Mr Winnick: One last question, Mr Winsor; when the Chair asked you if the police force was in love with you, you said, I think, "No, and there is no reason why they should be." I understand that. Now that you have undertaken the job that you are holding for a year or less, do you think that you have a better understanding why police officers had such sharp criticism of your report?

Tom Winsor: It has been seven months, not a year. It feels like longer. I do not think an inspectorate should expect to be loved by the people within their jurisdiction. I think if they had a strong affection for us, then perhaps we would be failing in some respects. I hope that we will maintain and improve the respect with which we are held, and that is a different thing. The criticisms I think have been directed at me not by virtue of the fact that I hold the office that I now hold, but by virtue of the police pay and conditions review, which I—

Mr Winnick: That is what I am referring to.

Tom Winsor:—maintain has not been fully and properly understood by rank-and-file officers, many of whom are not as financially worse off and in some respects may be better off as a result of those proposals. However, the implementation of those proposals has, as we discussed at the beginning, been

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somewhat delayed. I give you one example: the expertise and professional accreditation allowance, first recommended at £1,200, then we had to take it down to £600 in the part 2 report, has been effectively killed by the Police Negotiating Board and the Police Arbitration Tribunal. That would have been extra money in the pockets of investigators, police officers in neighbourhood policing team with firearms and public-order-trained police officers. It is deeply regrettable that the negotiating machinery has denied these officers money they deserve.

Q619 Chris Ruane: Just on the issue of diversity and recruitment, I think it is a noble aim to have the police force balanced with the community from that it is drawn, ethnicity, gender, and in Wales we have the Welsh language as well. Is social class one of the parameters? I put down parliamentary questions on this in the past, and I do not think it is. If those communities are going to be policed, isn't it better to have people from that community? I speak as somebody who spent 26 years on a council estate. I think it was Commander Dal Babu or his colleague, when they gave evidence the other week, said that for a recruit to go to college it would cost £1,000 upfront. Would this work against black and ethnic recruits and working-class recruits?

Tom Winsor: To get into the police, they could also serve as special constables or community support officers. They do not have to have an accredited policing qualification in the way I have mentioned. But yes, it is highly desirable that the police officers come from all strata of society, and that includes the higher socio-economic groups as well as the ones from which police officers have traditionally been drawn.

Q620 Chris Ruane: Are there any figures kept on this? Should they be kept on class?

Tom Winsor: On class? I doubt it.

Chris Ruane: Should they be kept?

Tom Winsor: I think asking people to self-classify their socioeconomic group would be an interesting statistic.

Q621 Chris Ruane: Where they were born perhaps or where they were recruited from?

Tom Winsor: It is desirable to know from all parts of society where the police are receiving their intake.

Q622 Chris Ruane: Is there a danger that in terms of the recession, when jobs are scarce, people are queuing up for jobs, that perhaps the more qualified people who have gone to university, more middle-class people, dare I say, would have a better chance of getting those jobs at the expense of somebody from a lower, working-class background?

Tom Winsor: No, because, as I said earlier in response to a question from the Chairman, merit should be the only criterion for entry into and advancement with the police, and I do not believe that any socio-economic group or ethnic group has a higher quota of merit than any other. We just need to find those people and encourage them to join the police. 26% of officers joining the police now are graduates, and a very high proportion are female, but not enough are coming from black and minority ethnic backgrounds. I do not think that figures exist as to whether or not we are having sufficient numbers of police officers from the

higher socio-economic groups, and I am sure that the numbers from the others are very small.

Q623 Mark Reckless: Mr Winsor, you said earlier that your remit was the whole police landscape. To what extent does that include police and crime commissioners?

Tom Winsor: It is the will of Parliament that HMIC should not inspect police and crime commissioners, their efficiency and effectiveness, in the way that HMIC inspected police authorities, and so we will not do it. However, it is important that it is understood that when we report upon the efficiency and effectiveness of a police force, if a decision by a police and crime commissioner has led to that chief constable being unable to achieve the levels of efficiency and effectiveness that he would otherwise have been able to achieve if the decision of the PCC had not been made in the way that it was made, then we will say so.

Q624 Mark Reckless: Would that apply equally where the PCC has commissioned an investigation?

Tom Winsor: Yes. If we think the PCC has made a mistake, we will say so.

Q625 Mark Reckless: When you say your remit is the whole police landscape, does that include the Association of Chief Police Officers?

Tom Winsor: Well, the Association of Chief Police Officers is a company limited by guarantee with a healthy income. We are looking at police forces.

Q626 Mark Reckless: ACPO is off-limits to you?

Tom Winsor: The members of ACPO when they are in force and doing their policing jobs is within our jurisdiction.

Q627 Mark Reckless: You said earlier that the College of Policing is now the standard-setting professional body. I wonder if you could help me, then, if I just perhaps give one example. Why is it that ACPO is still determining the circumstances in which police should name a suspect?

Tom Winsor: I am sure that is a function that will in time be assumed by the college.

Q628 Chair: In your speech, you talked about the better use of technology, and you felt that that would help enormously with progress as far as preventive action that was taken. Do you know what has happened to the proposal for a new IT company that the Government had suggested last year? Do you know where that is at?

Tom Winsor: It is moving kind of slowly. It is not entirely clear whether this is going to be a procurement assistance body or something with a much wider remit. It is the policy of Parliament, under the Police Reform and Social Responsibility Act 2011, that police and crime commissioners should have the jurisdiction that they have, and one of the greatest threats to the efficiency and effectiveness of policing is a fragmented or fractured approach to IT.

Q629 Chair: Yes, we understand all that, but where is this company? It was being headed by Lord Wasserman. This was a very important feature of your speech, which was well regarded by those who heard it. You are saying it is moving slowly. Who is responsible for the slow movement of this company?

Tom Winsor: The Home Office still have the company under their wing, and I think that decisions have yet

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to be taken as to whether or not its jurisdiction should be enlarged. I think that that is as much as I can tell you.

Q630 Chair: Given your interest in this, are you being included in those discussions?

Tom Winsor: Yes.

Q631 Chair: You are. The last meeting about the IT company was when?

Tom Winsor: There is a working group called Freeing Up Police Time and IT and the IT company are represented on it and that was a couple of weeks ago.

Q632 Chair: The relevant Minister presumably is Damian Green?

Tom Winsor: The relevant Minister for Policing is Damian Green, yes.

Q633 Chair: As far as procurement is concerned, I think you did also mention value for money.

Tom Winsor: Yes.

Chair: Figures have come out that Cable & Wireless earned £4,027,334 since September for 101 calls, and it appears that all they do is divert calls when people

ring the 101 number to the local police force. They receive 15 pence per call, and this has totalled up to £4 million. Is this something that is within your remit? Can you look at value for money on procurement or is this something that is left to somebody else?

Tom Winsor: No, value for money on procurement is within our jurisdiction, and it will be part of our Valuing the Police Programme.

Q634 Chair: So, were you aware of those figures?

Tom Winsor: No.

Q635 Chair: Were you aware that, having received those figures, it has just signed another three-year contract with the Home Office?

Tom Winsor: No, but I am now.

Q636 Chair: Is that something that you might look into?

Tom Winsor: Yes.

Chair: Excellent. Mr Winsor, thank you very much for coming in here today. We are most grateful. Please do keep in touch with us and we look forward to seeing you again. Thank you, Chief Inspector.

Tuesday 18 June 2013

Members present:

Keith Vaz (Chair)

Nicola Blackwood
Mr James Clappison
Michael Ellis
Lorraine Fullbrook
Dr Julian Huppert

Steve McCabe
Mark Reckless
Chris Ruane
Mr David Winnick

Examination of Witness

Witness: **Right hon. Damian Green**, Minister of State for Policing and Criminal Justice, gave evidence.

Q419 Chair: Can I welcome the Minister for Policing, and could I ask all those present to declare any interests that are not in the Register of Members' Interests that are relevant to this session?

Mark Reckless: Chair, can I say that until May 2011, I was a member of the Kent Police Authority.

Chair: Thank you. Minister, welcome. I think on the last occasion when you were here, it was a brief visit, but we did not have the chance to properly congratulate you on your appointment as the Policing Minister. I think that you have been in office for some time now, and we felt it was good to be able to let you get your feet under the table before you came in. We would like to start by asking you a couple of questions about your tenure as Immigration Minister, because this is obviously an issue that has come before the Committee since you gave up that post. You know, of course, that for the first two and a half years of this Government, you were the Immigration Minister and you presided over the UKBA, which was formally abolished by the Home Secretary in March of this year. She told the Commons that she found the organisation to be "closed, secretive and defensive". When did you discover that it was "closed, secretive and defensive"?

Damian Green: It is some time ago, so I have not bent my mind to immigration or the UKBA for some months now. I think my verdict, looking back, is the same as it was—which I think I gave to this Committee—which was that the UKBA had progressed from being famously not fit for purpose in the middle of the last decade to being good in parts. I think I said it was a curate's egg when I was the Minister responsible, and again, looking back, in terms of a policy delivery, it did well. This Government came in with a clear policy to reduce net migration; 250,000 down to 150,000 is a significant achievement. There will be members of this Committee who do not agree with this policy and members that do, but either way, policy delivery, I think the UKBA did well.

In terms of its day-to-day business, that is clearly the reason that drove the Home Secretary to make the decision to divide the remaining UKBA in two. I think we collectively came to the view throughout that the organisation brought together, no doubt with the best of intentions by the previous Government, simply could not cope with the multiplicity of its obligations. Indeed, that is why we split off Border Force.

Q420 Chair: We know all that, but I am asking about her description, because you came before this Committee on a number of occasions to give evidence and nowhere when you gave evidence could I find in the transcripts of your hearings you making such a very scathing conclusion, that it was "closed, secretive and defensive". That is a pretty severe statement from the Home Secretary. I am surprised that the Immigration Minister, for two and a half years, didn't feel that when he came to this Committee.

Damian Green: I said before this Committee I thought it was good in parts, and the parts that were not good exhibited the symptoms that the Home Secretary—

Q421 Chair: So you agree with her, it was closed, secretive?

Damian Green: Yes, and that is why, as I say, over two stages we took out Border Force in one go and then now visas and enforcement have been split off as well. So you now have three organisations.

Q422 Chair: The organisational changes. I wanted to look at the description, since this had never been raised with the Committee in all the hearings that you had before us.

John Vine, in his report of November 2012, said that for a number of years, since 2006, the agency had been regularly supplying this Committee with information that was incorrect. You presumably did not know this when you were Immigration Minister and came before us?

Damian Green: No, indeed. I think it was one of the points you put to me when I last came here when you were talking about immigration, and I said at the time that I was shocked to discover that even after many years of successive Ministers in both this Government and the previous Government had, if you like, turned over stones and found things, there were more stones to turn over in the UKBA garden.

Q423 Chair: Yes. So you did not know anything about the fact that this information had been given to us? It came as a complete surprise to you?

Damian Green: Yes, absolutely. Clearly if there had been information that the Committee had requested that the UKBA had thought it had, then it should have given it to the Committee. It goes without saying.

Chair: Excellent. Mr Winnick has a question on this point.

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Q424 Mr Winnick: On this issue, Minister, we were indeed taken by surprise over the abolition of UKBA, if only because constantly you, as the Minister, gave assurances that changes were taking place. For example, on 4 July 2012 downstairs during oral questions, if I can quote what you said to Committee, “I have said previously to the Committee that the Agency is good in parts, but needs to improve”. By the way, this is what you said, and continued, “That is why a transformation plan has been initiated by the Chief Executive, Rob Whiteman, to address precisely the weaknesses identified by many Right Honourable and Honourable Members” and went on to say that, “If Fiona Mactaggart doesn’t necessarily agree, she would, she said, like the system to work properly” and you continued, “and I can assure her that is the purpose of many of the changes that Rob Whiteman is making”. So all the indications going from that quote and others that you made seemed to indicate that UKBA started from a weak position from, you blamed, the previous Government—surprise surprise—but improvements were taking place and that is so. Then finally, out of the blue, we were told at the last moment that UKBA was going.

Damian Green: I am glad you have quoted something I said last July, which is exactly what I have just said off the top of my head, so I claim consistency in a way that I suspect not every Minister in every Government always can. Yes, absolutely, Rob Whiteman was brought in to try to transform the organisation. I should say it is unfair to say that I was criticising the previous Government for what was wrong with the UKBA. It was the Labour Home Secretary, it was John Reid that used the phrase, “Not fit for purpose”. So I don’t think that was a partisan point to make. Evidently, there were successive leaders of the UKBA came in, found problems, did their best to solve them. What became clear, and the reason the Home Secretary took the decision she did earlier this year, was that however much effort one put into it, whatever talents all the new senior management brought in, many of the same problems seemed to be recurring and therefore the sensible thing to do was evermore radical surgery. As I say, the first intimation of this was when we took Border Force out of UKBA, and I would say that I observe now from the outside, as a fact, problems at the border are considerably less now than they were when Border Force was part of the UKBA.

Chair: Yes, thank you. I think that is very helpful. Let us move on to policing.

Mr Winnick: “Helpful” would be an interpretation some may put around it and some may not, Chair.

Q425 Chair: I think both the question and the answer were very helpful. Can I move on to policing now and ask you this question. Do you believe our police force is relatively honest?

Damian Green: Yes. You are clearly quoting at me what the Prime Minister said, and the Prime Minister was making the point, it was a question in comparison with Libya and countries with much less stable institutions than ours, particularly less stable security forces, that ours are relatively more stable, more honest.

Q426 Chair: He did say more. So you are telling this Committee, as the Police Minister, that you believe that our police force is relatively honest compared to the Libyans’?

Damian Green: I am saying it is relatively honest compared to most police forces. It is overwhelming honest, full of hard-working brave people who do a very difficult job very well and increasingly successfully. That is why crime is down more than 10% over the past three years.

Q427 Chair: Yes. Sticking to this “relatively honest” point, the Prime Minister obviously had something in mind, and maybe you do. Of the 133,000 police officers, what do you think the level of dishonesty is?

Damian Green: If we knew someone was dishonest, then there would be disciplinary action against them and disciplinary action takes place against a tiny percentage of those police officers every year.

Chair: So basically what you are saying is—

Damian Green: I can give you the figures, if you like, Mr Chairman.

Chair: Please. Yes, that would be very helpful.

Damian Green: Obviously misconduct hearings vary back and forth. We understand there are between 100 and 200 hearings nationally per annum, and according to Home Office figures there were 178 officers dismissed in 2011, 2012.

Q428 Chair: Yes. So basically, in response to the question, you are saying that the British police force is relatively honest compared—

Damian Green: I am saying it is overwhelmingly honest—

Chair: It is now overwhelmingly?

Damian Green: Absolutely overwhelmingly honest.

Q429 Chair: The vast majority, yes?

Damian Green: The facts are here. We had 178 officers dismissed, there are something like 130,000 police officers, so—

Q430 Chair: But I am just asking you this because there was a reaction from the police force when the Prime Minister said that his police force is relatively honest compared to the Libyans. Well, I would hope so. You are saying in fact it is better than that, that the overwhelming majority of the police officers in this country are honest?

Damian Green: I have just given you the facts, so I think that shows that and I would point you to the response of the Police Federation to what the Prime Minister said, which was extremely sensible and they realise that he was making the point that precisely our police force is something we admire and that it is, if you like, both a tribute to those who belong in it and a symptom of living in a stable democracy.

Q431 Chair: Excellent. We will come on to integrity later. One final question from me on the proposals that we saw in the weekend press that Police and Crime Commissioners were going to take on responsibility for fire and ambulance services. Is that right? Are all blue light services going to be under PCCs?

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Damian Green: There are clearly ideas floating around. Several PCCs, notably Jane Kennedy in Merseyside and Adam Simmonds in Northamptonshire, are exploring what can be done in terms of synergies, but it would be very premature to say there are plans for that to happen.

Q432 Chair: So you have not signed off anything on that?

Damian Green: No, we have not decided anything. It is clearly a sensible thing to look at, and not just police and fire, but ambulance as well. It is sensible to look at how we, for example, send people out to deal with serious road traffic accidents and see if there isn't a better way that can save lives better.

Chair: Excellent. Chris Ruane will continue on the theme of Police and Crime Commissioners.

Q433 Chris Ruane: A tug of war is developing at the top of policing. Is it acceptable for PCCs to be grappling for power with Chief Constables? I give the latest example, in Wales, the PCC, Ian Johnston, has asked Carmel Napier, the Chief Constable, to resign or to retire. One of the four grounds that he quotes in his submission to our Committee is, "You" that is the Chief Constable, "are deeply hostile to the very concept of the office of PCC". Is this grounds, bearing in mind that the vast majority of the public, 85%, did not participate in the elections, you could interpret that as being hostile? Was he right to use this as grounds to get rid of the Chief Constable?

Damian Green: PCCs and Chief Constables have different jobs and the role of the PCC is to hold the Chief Constable to account, and each PCC will do that in their own way. It is clear there was a breakdown in that very important relationship in Gwent and Ian Johnston did what he did and Carmel Napier decided to retire. Had she challenged it, there is an elaborate system by which that judgment can be tested itself. The PCC is not all powerful, there are panels to control them and to comment on particular actions. In this particular case, if Carmel Napier had decided to challenge it, then HMIC, Her Majesty's Inspectorate of Constabulary, would have come in and done a report for the panel, which the panel would then have presumably made a recommendation on. So there are checks and balances in the system that I think mean that the relationship between the PCC and the Chief Constable can be one of equals.

Q434 Chris Ruane: One of the checks and balances is the Police and Crime Panels. Can you point to any successful examples of scrutiny by these Police and Crime Panels and why have they allowed PCCs to make such perverse decisions? I think, Chair, is it two or three sackings that we have had so far?

Chair: Around about that.

Chris Ruane: It is two or three sackings in a seven-month period. There are 43 Chief Constables. At this rate, they will all be gone in four or five years' time.

Damian Green: No. I just think factually that is wrong. Many PCCs have appointed new Chief Constables—I think more than seven have been appointed. There have been two big disputes. There has been Gwent, that you have mentioned, and

Lincolnshire and you are assuming that all of them must be perverse. I think—

Q435 Chris Ruane: Is this how you envisioned the position of PCCs unfolding within six or seven months?

Damian Green: Partly because a lot of Chief Constable appointments were held up for the PCC elections for very good reasons, so that you did not have a Chief Constable appointed for five years just before you had the new PCC. There was always going to be more of a turnover, but I would point to the Lincolnshire example, because you talk about perverse decisions. Of course, all PCCs, one of the greatest constraints on them is the law. They all have to operate under normal public law, and public law can stop someone doing something that is irrational. Indeed, the High Court quashed the suspension of the Acting Chief Constable of Lincolnshire, precisely using the phrase "irrational and perverse".

Q436 Chris Ruane: Was that good use of public funds, to take it to the High Court and to bring in the legal profession and incur these extra costs?

Damian Green: I have read the evidence session from this Committee from the former Chairman of the Panel in Lincolnshire, so this Committee is well aware, frankly, of sub-optimal performance, as I say, by the former Chairman of the Panel, who wrote to me—

Q437 Chris Ruane: Was it good use of public funds?

Damian Green: As I say, it would have been much better if it had been done through the system that has been set up, and as you know, the Chairman of the Panel wrote to me saying could he use his powers, could he hold a meeting, and I went back saying, "Yes", effectively. He then took legal advice that meant that he didn't hold a meeting, by which time it was going through the court. So I think there is a system set up to avoid spending public money on court hearings that was not operated in that place. I can only hope, and indeed assume, that every other chairman of every other panel will have seen that and decided to use the powers that are given to them by the legislation.

Q438 Chris Ruane: Do you believe that some of these PCCs are behaving like little dictators?

Damian Green: No, I think that would be unfair. I think the most recent case is really today's news from Kent, my own county, where the PCC used the powers given to her in the Act to call in HMIC to look at the statistics collected by the Kent Police and discovered serious problems. I think this is a really good piece of evidence about how the system works, because of course the Kent PCC was formerly the Chairman of the Kent Police Authority, so you have the same person there holding the Chief Constable to account, but because she is a PCC, she has powers that make her much more effective at holding the force to account than she did have when she was Chairman of the Police Authority. Normally in public policy, you cannot get scientific experiments. This is as near as

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you can get to a scientific experiment and it has worked.

Q439 Chris Ruane: Just finally, I do not think you answered the question that I put. Do you think it is acceptable that one of the grounds, one of the four grounds for getting rid of the Chief Constable, was, “You are deeply hostile to the very concept of the office of PCC”?

Damian Green: I think as long as the PCC is dealing in facts and not dealing irrationally and perversely, then the PCC is entitled to express an opinion. As I say, if the Chief Constable concerned, who had 30 years plus of distinguished service, had wanted to challenge that and not retire, then the system is there to give her the power to do so and that, as I say, provides the appropriate balance for giving the PCC—

Q440 Mr Clappison: Very briefly, it has just been put to you that PCCs are behaving like dictators. I think it is a little while since you studied politics, but wasn't one of the features of a dictatorship that they were not elected? Isn't it worth bearing in mind that these PCCs are all elected and subject to election in the future, which was not the case with the previous arrangements?

Damian Green: Of course. The fact is nobody knew who was running the Police Authority. That is an observable fact, that police governance and the actions of Police and Crime Commissioners are much higher in the public consciousness than anything that used to be done by a police authority, and that indeed is a tribute to the fact that when you introduce democracy, when you have people who have to not only get elected but get re-elected, then you have people who are much more in the public spotlight, and therefore much more, in the end, accountable. That was one of the purposes of the reform and, as I say, I think what happened in Kent is—

Q441 Mr Winnick: I am somewhat surprised, Minister, that you were so laidback, so to speak, when my colleague quoted from one of the grounds for dismissal, namely, “You are deeply hostile to the very concept of the office of PCC”. The other points that he makes for dismissal can be decided accordingly, perhaps in the court or what have you, but this one, “You are very hostile, you are deeply hostile” how does he know in the first place? The position has only been in existence for a very short time. Can he read her mind? Did she say anything of the kind? Doesn't it strike you as somewhat totalitarian, such a comment as he made?

Chair: You can give us a brief answer.

Damian Green: I will try to be briefer than the question. I think we have moved from dictatorship to totalitarianism and I think Mr Clappison is quite right. These are elected people who have to go back in a few years' time to their electorates and say, “Will you re-elect me?” so the short answer is I have no idea what conversations took place between Ian Johnston and Carmel Napier and I cannot be expected to have any knowledge of those private conversations, but I can know that Mr Johnston will have to justify whatever decisions he takes—and this is clearly a big

decision—to the people of Gwent in a few years' time if he seeks re-election. As with all of us, democracy is the ultimate mode of accountability that we all have to go through, and that is a good thing.

Q442 Chair: Indeed. One of the features of the exchange that we have just had and your allusion to the evidence session of the Chair of the Crime Panel for Lincolnshire was perhaps the fact that they have not had sufficient guidance, so they do not know where to get their legal advice from. In his particular case, he went to a local district council to give him legal advice. I do not know where the PCC from Gwent went. Do you think that there needs to be more guidance and more assistance, because when they came to see us in the very short session we had, I think both the PCC and the Chairs of the Crime Panel were asking for more assistance from the Home Office. We know at the end it is a local matter, but could we provide them with more help?

Damian Green: We do provide them with guidance and we hold regular meetings with all the PCCs. It is interesting that you would expect them all to turn up to the first one, but they all turned up to the second one as well, so they clearly find them valuable, and obviously there are officials within the Home Office whose job it is to make sure they are giving advice. It is absolutely clearly the case that if any PCC or any chairman of the panel phoned up the Home Office and said, “I have a situation here. I want some advice” then we would give them advice, as indeed when the Chairman of the Panel in Lincolnshire wrote to the Home Secretary and me and asked for advice, I gave him advice. He chose not to take it, but some things you cannot control.

Q443 Chair: You have been very open here in saying you met the PCCs twice, but when I put down a parliamentary question on 22 April and asked whether or not you had a meeting with PCCs, you replied by saying, on 13 May, “It is not the Government's practice to provide details of such meetings” yet on 17 December, in answer to David Hanson, you gave enormous detail to Mr Hanson about the meeting that you and the Home Secretary had with 39 of the 41 Police and Crime Commissioners. You said where they came up from, who did not turn up, who paid the cost, but you did not want to tell us how many meetings you have had. Do you now accept that it is important that when Members of Parliament and members of this Committee ask how many times you and the Home Secretary have met PCCs it is important to tell Parliament the information?

Damian Green: As you know, as indeed you have just said, Mr Chairman, I try to be as open as possible. Clearly there are some meetings that need to be kept private and I am aware that you have raised a point of order about—

Q444 Chair: But that was about the Home Secretary's trip to Romania. That is not about this. It is scrutiny. One of the points of having Select Committees and Members of Parliament is they can ask the Home Secretary how many times you have met Police and Crime Commissioners and in what

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circumstances. Of course private meetings are private meetings, but when the Home Secretary and the Police Minister meet Police and Crime Commissioners and Parliament wants to know when that happens, surely you have to tell them?

Damian Green: We do, and details of—

Chair: No. It says here, “It is not the Government’s practice to provide details of all such meetings”.

Damian Green: Yes, details of all such meetings. You make my point for me. The meetings we have are passed to the Cabinet Office on a quarterly basis and are published on the Cabinet Office website. Details of all meetings are not necessarily provided, because some of them, particularly in the Home Office, have to remain confidential, as you know.

Chair: Minister, I have been a Minister before.

Damian Green: Well, indeed. I was about to make that point as well.

Q445 Chair: I know that you might find that hard to believe. But the fact is if you are asked a question whether the Home Secretary, in the week commencing 22 April, met Police and Crime Commissioners, there has to be an answer, either yes or no. It can’t be, “We do not talk about these meetings” when it has already been in the *Independent*, surely?

Damian Green: It can be, because as I understand it, the reply for questions about ministerial diaries exists from Government to Government. You will have given that answer as a Government Minister, I assume, at some stage in the past. I seem to remember in my long years in Opposition, I never got any details about ministerial meetings.

Q446 Chair: Minister, I have never given that response. In response to previous comments, the Home Office is getting very defensive about having open meetings. Of course a private meeting is a private meeting. You asked about my point of order. That related to whether the Home Secretary visited Romania, which is quite an open and transparent question to ask and to be answered. This has gone to the Chairman of the Procedure Committee and it will end up back with the Speaker. I think Parliament needs to know when these meetings are happening, unless there is a good reason for not telling us.

Damian Green: That is why, as I say, we do. They are published on the Cabinet Office website on a quarterly basis. We are more transparent than any previous administration about ministerial meetings.

Chair: Anyway, we are obviously not going to make any progress with that. Let us go to Nicola Blackwood.

Q447 Nicola Blackwood: Thank you, Mr Chairman. I did want to move on to pay and conditions, Minister, and ask you in particular about the pay and pensions reports, which I understand Tom Winsor has said are now going to be delayed until July 2014. I wonder if you could tell the Committee why those delays have happened and what is going on with the negotiations to cause those delays?

Damian Green: It is the normal process, as it were. I know Tom Winsor would like it to go faster, but in the Bill that we just had a second reading for, the

Anti-Social Behaviour Crime and Policing Bill, to give its full title, that is the Bill that abolishes the current police negotiating machinery and replaces it with the Police Remuneration Review Body and the legislation has to be passed in both Houses and all of that. So that PRRB will be in place in autumn 2014 and therefore will be making recommendations for the year 2015/16. It is simply a question that we have to pass primary legislation to get the new machinery into place and so that is what we are now going through. The Committee stage started today.

Q448 Nicola Blackwood: Okay. I understand the Chief Inspector has been pretty clear that he wished he had recommended earlier the abolition of the Police Remuneration Board. It is now in the Bill. Is there any way that it can be expedited, the date of abolition, or is it just going to have to make its way through the House at that date?

Damian Green: No, because for obvious and good reasons, the police pay negotiating machinery is set out in statute, we have all the obvious sensitivities, and therefore if it is going to be changed radically, as it is being, it has to be changed radically by primary legislation and primary legislation takes some time. As I say, I have seen I think it was Tom Winsor’s evidence to this Committee where he said he wished he had recommended some kind of interim procedure, but the truth is you have to do it by primary legislation.

Q449 Nicola Blackwood: Okay. One of the pieces of evidence that has become pretty clear is that quite a few forces are choosing to pay considerably over the suggested starting salary of £19,000. I think that quite a lot of the new Constables are starting higher than that. Have you gathered any evidence from ACPO Chief Constables about why they are choosing to depart from that suggested scale, what impact that is having on recruitment and morale?

Damian Green: £19,000, that is indeed the lowest salary, but it wouldn’t apply, for instance, in London, it wouldn’t apply to those who brought any particular skills or expertise, so it probably would not apply to specials or PCSOs who apply. So it was always to an extent a figure not plucked out of the air, but that was the absolute minimum, so I am not surprised that most people are offering more than that. It is part of the operational independence of Chief Constables that they can decide how, within the pay scales, they operate them. All I can say about the response is that, for example, one advert in Avon and Somerset, they advertised for between 100 and 200 positions and had over 4,000 applicants, so that suggests to me that the desirability of becoming a police officer is as high as ever.

Q450 Nicola Blackwood: Yes. Can I ask about the turnover between forces, because obviously in some force areas such as Thames Valley, a lot of officers are lost to higher-paying areas like the Met, because of exactly the reason that you point out, because of pay scales. Have you noticed any change in that over the last few years as a result of the changes that have been brought in?

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Damian Green: The truth, I can answer anecdotally, because I haven't seen figures, but I am very conscious of it, being a Kent MP, because Kent is one of areas where—

Nicola Blackwood: Yes, you will have the same problem.

Damian Green:—you can go and work in Bromley and you may only be 10 miles from home, but suddenly you are in a higher pay area. It doesn't feel like as much of a problem as it was some years ago. That may be because inevitably in these kind of stringent times, there is less recruitment going on than there was 10 years ago, so therefore there is just less movement between forces. But as I say, that is anecdotal and I will go away and see if we have some more hard figures that I will write to the Committee about, if the Chairman would permit that.

Q451 Nicola Blackwood: The last point obviously is the pay and conditions proposals have quite an impact in terms of morale and obviously we noticed that with some of the campaigns. Can I ask what your current assessment is of the way that that has been managed through Home Office communications and so on?

Damian Green: Obviously at a time of stringency, then we are very conscious of the mood of officers. In this, I defer to Sir Hugh Orde, who has a considerably longer experience of direct relationship with the police than I do. He says that since he joined the force in 1977, morale has always been at rock bottom; this is just a continuous condition. So I do not underestimate at all the difficulties that we have gone through, but the main pay and pension changes are now there, people know what is happening and I just observe two facts. First of all, through this period, the police have continued to do their job more effectively than ever before, and secondly, as I have just quoted, the recruitment figures suggest that in current circumstances, the desirability of a career in the police force is as high as ever.

Q452 Nicola Blackwood: One of the issues that was evident to me from the correspondence that I was receiving just as a constituency MP was that there was some confusion about what the impact would be for individual officers about these proposals. What effort has there been to make sure that there is greater clarity about what the proposals will mean on a sort of officer by officer basis? Is there some kind of portal by which people can put in their circumstances and find out exactly what it means for them?

Damian Green: There is a website into which officers can type in the details. Now, the problem, one of the reasons why there was some confusion was that inevitably you set up a website and it has to assume the worst, because the last thing you want to do is give people false information that is too cheerful, and so I think many officers found that when they did a ready reckoner, the results seem worse than they would be for those individual officers. So as time has gone on, people have now checked out their individual circumstances, and in many of them, they are not as bad as that ready reckoner suggested. As I say, I am not blaming the algorithm; it is what you have to do.

Q453 Steve McCabe: Minister, when we are talking about police pay and conditions, can I also ask, how worried are you about the compensation culture that seems to be developing in our police? We have recently had the story about the person who forgot about the conviction; we had the officer in Stretford who tripped over the step at the filling station; one in Maidenhead who fell down a drain while investigating a burglary; one in Nottinghamshire who is reported to have been given £16,000 after falling over a pile of blankets; another one who was paid compensation for being bitten by fleas; in fact, over a four-year period, £67 million of taxpayers' money. How concerned are you about this compensation culture and are you taking any steps to deal with it?

Damian Green: Yes. I have talked to the Police Federation about this, because their job is to defend their members, and it seems to me there are two principles that you have to adhere to, first as an employer, as the forces are, of people whose job can be as dangerous as any job in the country, that the employer owes a duty of care to the employee, as any employer does, so that if carelessness happens, if somebody is injured as a result, then it is—

Q454 Steve McCabe: These are fairly reasonable risks.

Damian Green: No, sure. I mean, we have all seen the cases and some of them are fairly eye-watering. But I think the other principle, as I say, there is a duty of care of the employer, but the other principle, which seems to me to be absolutely important, is that no member of the public should ever fear dialling 999 if they have a problem for the thought of, "Oh, my God. Am I going to get sued? Am I going to end up paying compensation?" and what we need to do is to adhere to both of those principles and that requires detailed guidance and so on in certain areas.

Q455 Chair: But I think what Mr McCabe wants to know is has it gone too far? We accept that it happens, but has the balance—

Damian Green: Again, the compensation culture isn't the sort of phrase that you would apply to the vast majority of police officers. There are clearly individual cases where, to be polite about it, all of our eyebrows go up, thinking, "Really?" and as I say, the thing that really got me annoyed was the thought that members of the public might think they do not have the recourse to the police that they need to have because of potential compensation.

Q456 Steve McCabe: Also I think when you are under such pressure over budgets, which I think most people would understand, if the figures are right, £67 million over four years sounds like an extraordinary amount of money going on something like this.

Damian Green: It is, but as I say, to some extent it depends what has wound up in those figures, because officers do very dangerous jobs, some of them are genuinely injured and seriously injured or terribly killed in the course of duty, but some of them can be seriously injured and one would expect them to get quite considerable compensation. So I think there is no substitute for looking at an individual case and

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saying, “That individual case is wrong”. That illustrates a principle that we then need to operate through the force.

Chair: Thank you. Let us move on to integrity. Mr Ellis.

Q457 Michael Ellis: Thank you, Mr Chairman. Minister, could I ask you first about something that this Committee heard evidence about several weeks ago, which was the integrity and conduct of some undercover police officers, because we heard evidence about some certainly alleged impropriety with officers who had been placed undercover as part of their official duties. There was some concern about the state of policy in this area. Has your ministry done anything about that?

Damian Green: It has. I agree, this is a really important issue and I know it attracted both the Committee’s attention and great public attention as well, so I am pleased to be able to tell the Committee today that we will shortly be bringing forward secondary legislation to require that all deployments of undercover enforcement officers, undercover police, are notified to the Office of Surveillance Commissioners so that they can monitor them during their regular inspections. Those deployments that last for more than 12 months, which is one of the ones that caused the most serious problems, will require the approval of the OSC to continue for that period. The recommendation of HMIC said that this safeguard should be applied to intelligence-gathering operations, but we want to go further and apply it to all undercover officers, whatever the task at hand is, and we are also going to put into law another HMIC recommendation that is that the authorisation for these kind of activities should go up to the level of Chief Constable, so we are considerably tightening the monitoring.

Q458 Michael Ellis: Where was it before?

Damian Green: It was senior officers, I think, so making the Chief responsible.

Q459 Michael Ellis: So does that mean that there will be a layer of independent oversight with the Office of Surveillance Commissioners as to future undercover operations?

Damian Green: Exactly so. The OSC is obviously a completely independent body and it will be notified in advance; it will have to give approval for the long-run operations that have caused some of the issues of very serious concern in the past. So we will now have, as it were, a double system where it has to be approved by a Chief, so the Chief has to know what is going on, and an outside body.

Q460 Michael Ellis: Did you say that is only for operations of 12 months or longer that the Chief Constable or—

Damian Green: No, the Chief Constable will need to authorise.

Michael Ellis: For all of them?

Damian Green: Yes.

Q461 Michael Ellis: Good, thank you for that. Can I also, on the subject of integrity, ask you about Operation Alice, as it is called, which you will be familiar is a Metropolitan Police investigation into the possible fabrication of evidence and the circumstances in that details of a police log came to be leaked to the press in connection with an alleged incident at the gates of Downing Street. It is taking some time, is it not, for this police investigation to proceed? Do you have any information about how long it is likely to take? Are you in contact with the Metropolitan Police about it?

Damian Green: I am not, and nor should I be. It is an inquiry going on and I observe, as a fact, that last weekend there were more arrests made, so this is clearly a live criminal investigation and therefore as Policing Minister—

Q462 Michael Ellis: You are keeping well clear of it, are you?

Damian Green: I am keeping well clear. I, perhaps more than anyone in this House, feel very strongly that politicians should not become involved in operational police matters, so I do not intend to do so myself.

Q463 Michael Ellis: Yes. I was not thinking of that when I asked you the question, but I see what you mean.

There are several police officers of very senior rank, ACPO ranks, as they are called, who appear to be currently facing misconduct hearings. I wonder if you could say something about that? Do you know the numbers involved and why it is that we are in a state of situation where there are so many officers of Chief Constable, Deputy Chief Constable, Assistant Chief Constable rank who seem to be facing disciplinary or misconduct hearings of one sort or another?

Damian Green: The factual answer is it is nine or 10. It is of that order who have had some kind of hearing over the past year or so, as well as the figures I gave the Chairman earlier about general dismissals and hearings of officers altogether. It is a matter of serious concern, as you would expect, and that is one of the reasons why the Home Secretary made the announcement she did in February of a significant across the board tightening of the rules and increasing of the transparency around police operations in terms of second jobs, expenses and so on, as well as the proposal to increase both the powers and the scope of the IPCC so that the more serious and sensitive complaints can be heard both more effectively and faster than before. It is exactly the same sort of driver that led the Home Secretary to make that announcement.

Q464 Michael Ellis: Just one more from me, if I may. I understand that there is going to be a register of Chief Constables’ interests. Do you know where that will be held and how that is going to work?

Damian Green: The register of interests of certainly PCCs will be on police.uk. That is the obvious place to put—

Michael Ellis: So online?

Damian Green: Yes. I think the interests—

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Q465 Chair: Sorry, are you telling the Committee that the register of interests, in answer to Mr Ellis' question, of Chief Constables' second jobs is going to be online—

Damian Green: No, no, no.

Chair:—because that is different to what the Home Secretary said.

Damian Green: No, exactly. That was PCCs.

Michael Ellis: No, he was referring to PCCs.

Q466 Chair: So where is the register of PCCs?

Damian Green: Of Chief Constables? Can I write to you about it, just to make sure? I think it will be up by individual forces, yes.

Chair: I think you have not decided. I think the last time this was raised with the Home Secretary, she had not made up her mind.

Michael Ellis: There may not have been a decision.

Damian Green: But as a principle, it seems to me that this sort of information, the transparency information, is best held online. I mean, that is in the modern world, it seems to be the way to do it.

Michael Ellis: Yes. Perhaps you could write to us when there is an answer. It is not particularly pressing, but perhaps you could.

Q467 Mr Clappison: Just going back to Operation Alice, I can well understand the approach that you are taking on that, but given the circumstances of the case and its sensitivity and the background, would it be your expectation that there would be the greatest amount of transparency in the police's dealings and particularly their dealings with the press?

Damian Green: All I can say in response—you appreciate the constraints that I have just explained—is that the investigation is being conducted by the IPCC. It is being done under the management of the IPCC and all I can say is that IPCC is extremely aware of the need for the fullest possible and best possible investigation and of all the obvious implications and sensitivities that surround the case and I know they are in contact with Andrew Mitchell. Deborah Glass, who is the Deputy Chair of the IPCC, has written to Andrew Mitchell in relationship to the media reports and the various speculations surrounding the investigation.

Q468 Mr Clappison: Do you think that briefings of the press in that no notes are taken, that that is consistent with such an approach?

Damian Green: I think you are enticing me on to ground that is likely to be the substance of the criminal investigation and therefore the very serious point I would make is that, as I have said, we have six people arrested already. It is at least possible that there will be criminal proceedings and therefore anything I say at this stage might conceivably have implications for those criminal proceedings, so therefore it is not sensible for me to say anything.

Chair: I will call you in a minute, Mr Winnick. Can I first of all, on behalf of the Committee, welcome your announcement today about undercover agents as a positive step forward and in line with the recommendations that we have made. We think this is the right thing to do, and thank you for coming to tell

the Committee this first. We look forward to seeing the regulations when they are produced.

Damian Green: You should have a letter with you today I sent this morning, yes. You have that.

Q469 Chair: Indeed. On the issue of undercover agents though, you presumably share the Committee's concern, as expressed in our last report, about the use of the identities of dead children by undercover agents. I think in your response today you said both you and the Home Secretary were astonished and disappointed. Is that correct?

Damian Green: Yes, absolutely. I think it is inarguable that that kind of behaviour is unacceptable. I think the Home Secretary said that when she was last in front of the Committee.

Chair: Yes, but you went further, you were astonished and disappointed, which is quite severe criticism of the use of that.

Damian Green: Yes.

Q470 Chair: It will not be used again and it is not being used again?

Damian Green: It is not being used at the moment and we have been assured by the senior officers involved, and as you know, there is a significant investigation going on.

Q471 Chair: Indeed, but in respect of what Mr Ellis and Mr Clappison have said about Alice, we of course understand why you cannot comment on operational matters, but there are now eight investigations currently being conducted by the Metropolitan Police costing £23 million, involving 300 officers and there has only been five people convicted of any offences. Does it worry you, as the Policing Minister, that there are so many historical investigations going on about police failings that don't seem to come to a conclusion? On the subject of Herne, that went on for 18 months and cost £1.2 million and of course nobody was arrested. While we accept that Ministers cannot intervene or set timetables, is it a worry that so many of these investigations are ongoing?

Damian Green: I would not say it was a worry, but like you, I have asked, "Are there historical investigations going on that officers do not think are going to reach a conclusion, and if they are, why are we spending money on them?" and the answer, I mean, senior officers are obviously concerned about this as well. They do not want to waste time, money and effort when there is no possible conclusion, and they only proceed, they assure me, with investigations where there is the possibility, the likelihood of an outcome. The point was put to me, particularly in the context of the terrible historic child abuse allegations, the matter of historic investigations and how much they would cost—because inevitably they are more difficult and therefore more expensive—was that as long as there are victims alive who have not had justice, then it is worthwhile to spend police resources and public money on pursuing people, because those victims deserve justice, whether they had crimes committed against them yesterday or 50 years ago.

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Q472 Chair: So is it a blank cheque then until that is—

Damian Green: Nobody has blank cheques, and therefore every Chief Constable has to decide where they put their resources, as any public servant does, and they all think about it very carefully, but I do take this point, that there may be historic investigations, but there are victims still alive who deserve justice.

Q473 Mr Winnick: You mentioned, if I understood you correctly, Minister, that the investigation into how names were used, the names of dead children, was still being investigated, am I—

Damian Green: Yes, it is.

Q474 Mr Winnick: Would you give an indication when there is likely to be an outcome?

Damian Green: I do not think I can. You have had, I think, Chief Constable Creedon in front of you on these issues.

Chair: I am sorry, what did you say, Minister?

Damian Green: You have had Mick Creedon in front of you.

Chair: No, he has written to the Committee. He has not been here.

Damian Green: Oh, he hasn't? I am sorry.

Q475 Mr Winnick: Is it likely that before the House goes into recess in four weeks' time we will have a report, a report if not to the Committee, perhaps to the House itself, of how this disgraceful episode occurred?

Damian Green: I just don't know. The investigation is taking place and Mick Creedon, as you know, is leading it, and the same applies as with Operation Alice. The officers do not report back to Ministers about the progress of investigations on an ongoing basis, so I just do not know.

Q476 Mr Winnick: So at this stage, it is simply a matter of continuing the inquiry, leaving aside Alice, how these names were used?

Damian Green: Yes. The investigation is going on and obviously we all want it concluded as swiftly as possible, but even more important than that is making sure it gets to the truth.

Q477 Mr Winnick: Yes. I wonder if I can, Chair, just go to another topic, the question of free hospitality and the rest of it, in no way questioning the integrity of the previous Met Commissioner. Indeed, when he was giving evidence, I made it clear that if I wanted to question his integrity, I would do so, but I had no intention of doing that. However, it did appear, and hence the reason that he was questioned, that he received while he was Met Commissioner free treatment after medical treatment. It was that he had not received free medical treatment, but what happened afterwards when he was convalescing. Would you take the view that it would be inappropriate from now on for any police officer, the most senior or the most junior, to receive free treatment?

Damian Green: I think the first line of defence is—

Mr Winnick: In the terms that I have just described, from a company.

Damian Green: If you like, it is transparency and if people know, and we have introduced measures to make sure that there is more transparency, and the obvious analogy is that if people know that everything they do is going to be made public, then that acts as quite a significant deterrent for most people against doing something that would be regarded as improper. Clearly, in terms of receipt of any kind of hospitality, first of all, it has to be open, and secondly, it has to be of a nature that could not give rise to any prospect of someone thinking that the exercise of your function was being affected by it and that applies very clearly and very significantly to Chief Constables, who have enormous powers. So I think that is where we would draw the line.

Chair: Thank you. I know that Mr Reckless has a question that he wants to come back on.

Q478 Mark Reckless: Yes. Minister, you referred to the controversy with which our Kent Police and Crime Commissioner has been involved today. Were you also aware of the issue, what this Committee described as a "fiasco" around the appointment of a Youth Commissioner, and prior to that, the issue of £70,000 being paid to a PR adviser and a similar amount to a social media adviser?

Damian Green: Yes. I read my local media as well.

Q479 Mark Reckless: Do you think those are the sort of issues that should be investigated by the Police and Crime Panel?

Damian Green: I think very strongly that the Police Minister should not try to second-guess the Police and Crime Panel in an individual area. We have set up democratically accountable Police and Crime Commissioners and as a check on them, Police and Crime Panels. There are clearly very far backstop powers that the Home Secretary has to direct all bits of the policing organisation, but they should be used as backstops, and so it is for the Police and Crime Panel to decide whether or not any individual Commissioner has done something improper and what steps they should take about it.

Q480 Mark Reckless: But is it for them to consider?

Damian Green: They have the powers set out in legislation, and those powers are to look at precisely the activities of the Police and Crime Commissioner. That is what the panel is for. So if there are matters that they think the Commissioner has done that are questionable, then yes, as I say, that is what the panel is for.

Q481 Mark Reckless: Minister, you may not be aware, but Anne Barnes has today called for every Police and Crime Commissioner in the country to commission HMIC to conduct exactly the same type of investigation that has been done in Kent in each of the other counties. Is that something you would support and would you be able to fund HMIC for that work?

Damian Green: I think HMIC is already doing it. HMIC said yesterday, in the wake of their report into

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Kent, that they are now going to do similar things around the country and so that is what HMIC is for, so it is not a question of special funding. I think they are already doing that. In principle, yes, I want the crime statistics to be as accurate as possible. Currently, international standard-setting bodies have some of the most reliable crime stats in the world. Let's make them even better, that is my view.

Q482 Mark Reckless: When you voted in the Kent Police and Crime Commissioner elections, did you judge Ann Barnes to be the best candidate?

Damian Green: No, I voted Conservative in the Kent Police and Crime Commissioner elections, as I do in all elections that I am faced with.

Chair: I am surprised. Normally people say it is a secret ballot. It is very good of you to say that. Minister, I have just been told there is a vote that is imminent, so I am going to adjourn the Committee. We just have one final topic to go through with you. We will adjourn the Committee. We will resume as soon as the vote is over, as soon as we have a quorum. Thank you.

*Committee suspended for a Division in the House.
On resuming—*

Q483 Chair: Thank you for allowing us to have that short break. We are now going to move on to the College of Policing, Minister. Other colleagues will join us but we will start with other questions and then the College of Policing from Dr Huppert.

Dr Huppert: Sorry for missing your earlier comments, Minister. On the College of Policing, I had a really interesting meeting last Friday, I think it was, with a team from the College of Policing, ACPO, (inaudible 1:08:54 PTV), IPCC, the Met, CAST, about the subject of tasers. It was a very interesting briefing and I thank them all for it. One of the issues that came up was the publication of taser statistics. As you will probably remember, the figures used to be in quarterly reports. They have not come out since quarter 4, 2009. In February 2011 I asked your predecessor when they were coming out and was told the spring of that year. In April 2012 I was told that they would be out in the May of that year. In October 2012 I asked you and was told they would come out in the autumn of that year. When will we get the taser statistics and would you agree that it is important for transparency that these are published?

Damian Green: I am tempted to answer either spring or autumn. It is a very good question and in principle, yes, we should have those statistics. The most sensible thing I can say is I will find out and as soon as we have them in an orderly form we will publish them but I don't want to—

Q484 Dr Huppert: In an orderly form? As I understand it, there is huge logging on tasers to keep track of every single time they are fired.

Damian Green: Yes, there is. That is why I am puzzled. I had not heard that there was a problem with this, but I now have so I will go away and do something about it.

Q485 Dr Huppert: Thank you very much. If I could then turn to the College of Policing. The whole idea is it should be an evidence-based body so having evidence is clearly important. Can you talk us through the process now with fully establishing it? I understand you have a full board of directors. When will it become a statutory body and when will it receive the other rules that it needs?

Damian Green: The answer to when it will become a statutory body is when the Anti-Social Behaviour, Crime and Policing Bill receives Royal Assent, which one assumes, if parliamentary proceedings go well, will be in some months time. That will give it the powers it needs and put all of that on a statutory basis.

Q486 Dr Huppert: As I understand it, the Government has guaranteed only two years of funding for the college. Is that right and how could the college support itself after that?

Damian Green: It is an odd interpretation. The fact is we know what the college's funding is for the next two years because that is what we know funding is for. As you will be aware, next week we will hear more about 2015–16 and out of that we derive the details of the Home Office budget. So at the moment the college is funded more or less two-thirds, one-third; two-thirds from Home Office grant, one-third from commercial activities it does itself. The decision about the future funding will come and the college in the end will be responsible for its own funding model. One of the things that Alex Marshall wants to do is to expand its commercial activities. There are huge opportunities for training, particularly overseas, and so on that the college can look at. As I say, all will be revealed in the wake of the spending review.

Q487 Chair: In terms of the appointment to the college board, of course the new chair was appointed after the rest of the board was appointed. Will there be some discretion to enable her to make ex officio appointments? At the moment it does lack diversity. I think there is only BME member on the College of Policing board.

Damian Green: Yes, I agree with that. I think it is reasonably diverse in terms of gender diversity, particularly compared with other bodies in the policing world, not just the chairman but one of the chief constables, Irene Curtis, on from Superintendents and so on. I am looking down the list. There are six women in a row in the list of board members, which you do not often get in public appointments.

Q488 Chair: You don't normally get six women in a row in the Home Office?

Damian Green: You speak for yourself, Chairman.

Chair: Your words, Minister.

Damian Green: I agree they have done gender diversity better than they have other forms of diversity. The board has to have 15 individuals, 14 of whom have already been appointed. The other one is for the police staff.

Q489 Chair: Could we look at the issue of diversity, because it is pretty bad?

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Damian Green: It is, but I think in a sense that is a symptom of a wider point about policing and, candidly, I take diversity as very important in the police service as a whole and I am very much urging forces to do something about it.

Q490 Chair: Peter Fahy said that the police are not as effective as they could be in countering terrorism because of a lack of ethnic minorities within their force. For all the years I have been in Parliament—and you have been in Parliament a long time, Mr Winnick, probably longer than both of us put together—we have all been saying, “We must do more, we must do more” and nothing seems to happen. Should we be looking at positive action, which is what Peter Fahy was talking about?

Damian Green: I have seen the suggestion that there are plans to suspend equality laws to allow the police to discriminate. I don’t think that is the right way to go. It might solve one problem but it would cause other problems. But absolutely there is a lot more and many senior officers, particularly the Commissioner of the Metropolitan Police, are very concerned about this. I know the Met are doing something about and so is Stephen Greenhalgh at MOPAC. They are not just the biggest but obviously the force that ought to be the most diverse, reflecting the population around them, and I know that is very high on the Commissioner’s priorities.

Q491 Chris Ruane: The Certificate of Knowledge used by some forces costs £1,000. If it was rolled out nationally should all officers be expected to meet the costs and how should initial policing qualifications be paid for? Why was it introduced? Prior to its introduction, was there any analysis of the impact of this £1,000 cost on recruitment of police officers from poor and deprived neighbourhoods and from the black and ethnic community?

Damian Green: Where it came from was Tom Winsor estimated it would cost about £600 and that cost has risen. Clearly, as with any profession, somebody has to pay for the training. I think the answer to what is a very good point—we don’t want this to make diversity more difficult to achieve—is that just as with other professions, firms will pick desirable candidates and say, “We will pay for your training and what you need to do”, my expectation would be that the same sort of thing will happen with policing. I have already quoted the figures. In Avon and Somerset 4,000 people applied for between 100 and 200 jobs. That ought to leave a force in a position to say, “We really want you, you and you” and therefore one of the things they could offer, as they do in other professions, is to pay for the things.

Q492 Chris Ruane: Do you think it would be a disincentive to, say, someone who is on the dole and thinks, “I want to become a police officer”? Do you think it would be a disincentive to that person to pay that £1,000?

Damian Green: I don’t think so. As I say, to get into any profession you have long training periods that entail lots of costs, if you look at the medical and legal professions and so on. Since one of the things I

am most keen on is to make policing regarded as much of a profession as the traditional professions, it seems to me that the process for getting into it will get more like the other professions.

Q493 Chris Ruane: Is the impact being monitored? I think statistics are collected on the percentage of recruits from black and ethnic minorities. Are these statistics collected from certain socioeconomic categories, the poorest?

Damian Green: They are not, I think partly because what socioeconomic class you belong to is less definitive. If you are joining the police at 18, 19, 20 your ethnic origin is obviously fixed for life, your socioeconomic class is not.

Q494 Chair: Is there any news on when the police IT company, which has been promised for the last two years, is actually going to get started?

Damian Green: It is sort of up and running. The reason it has been slower than the other big reforms in the policing landscape is that we were very keen that PCCs should play a very significant role.

Q495 Chair: Sure. When you say it is sort of up and running, it sounds a bit vague, “sort of up and running” from a Minister. Is it there, is it not there? Do we have the software? Do we have the hardware? Is it in a building? Are there people?

Damian Green: It has a board, there are people. I have been to a board meeting and there were PCCs.

Q496 Chair: You have been to a board meeting. Does it exist?

Damian Green: Yes. It will start doing its work in the autumn.

Q497 Chair: So it is not there yet?

Damian Green: Well, it is there but you will see benefits in terms of the services it is offering in the autumn.

Q498 Chair: So, we have a board, we know that because we had a board a year ago. We have a building where it is operating from?

Damian Green: It is operating from bits of the Home Office at the moment. We are not looking for new buildings. We are moving people into the Home Office rather than out.

Q499 Chair: Fine. But the way in which we can see it doing its business well is in the autumn of this year?

Damian Green: It will be in the autumn that it will start offering services to police forces.

Q500 Chair: It would be very helpful if we had some more precise information, perhaps in writing from you on that. On the work of CEOP, did you go to Maria Miller’s meeting today?

Damian Green: I did.

Q501 Chair: Was it useful for you?

Damian Green: Yes. More to the point, I think it was useful for promoting our defences against one of the

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more disgusting crimes in our society, which is child sex abuse.

Q502 Chair: Have the internet companies promised to do more as a result of this meeting? Are you satisfied that they now take this issue really seriously and that it is more than just what has been said in the newspapers, when somebody searches a particular site they will get a warning to say that it has child sex photographs, "Please don't go on this site"? Is it more than that?

Damian Green: Yes, it is more than that. That is not an insignificant element.

Q503 Chair: No. What more are they doing?

Damian Green: They are providing a significant extra sum of money, for example, to be used both by the Internet Watch Foundation and in co-operation with CEOP to increase the amount of activity that can be done in searching out illegal images and therefore that is the first step to allowing CEOP to take them down.

Q504 Chair: Are they prepared to move this stuff on the internet? They can identify it but are the internet companies making a proposal that they will remove this content?

Damian Green: Well, they block it.

Q505 Chair: They can block it?

Damian Green: There are different types of internet companies. What an ISP can do, what BT or Virgin can do, is different from what, say, Facebook can do because Facebook is not an ISP. Facebook is a different type of animal and Google is a different type of animal again. You can't generalise about internet companies. One of the successes that the IWF has achieved is that the number of illegal images of child sex abuse hosted in this country is less than 1% of those that people can access, so there are clearly lessons to learn in the policing world about better co-operation worldwide and so on.

Q506 Chair: Figures released today show that two out of three people convicted of child pornography were spared jail, were either given suspended sentences or out of court disposals. This is a worry, is it not?

Damian Green: Clearly all sentences should fit crimes and child sex abuse offences are hugely serious. It is

part of a wider look that, as you know, we are taking in terms of child sex abuse, not just online but offline as well. I am now chairman of the cross-departmental group on sexual violence against children and vulnerable people. The online work is a significant strand of that but there is a lot to be done in terms of grooming and on the historic sex abuse allegations we have seen, so it is a big area of cross-departmental work.

Q507 Chair: But are you satisfied as a result of the meeting today that the internet service providers, the internet companies, take this issue very seriously indeed and are going to do something more than they have been doing so far?

Damian Green: They take it seriously but we are absolutely not in the position where everything is fine. There will need to be continuous action, both by the companies and by Government and by other governments as well. This is a global phenomenon so therefore it needs to be dealt with by global actions.

Q508 Michael Ellis: Minister, I realise this is not exactly your portfolio but I understand that there has been some news on Abu Qatada inasmuch as the King of Jordan has endorsed the treaty arrangements between the UK and the kingdom of Jordan. Do you know anything about that?

Damian Green: Yes. What you say is correct. As the Home Secretary told Parliament and told the House, there is a twin track parliamentary proceeding. We have put secondary legislation down and on Friday we will know whether or not anyone has prayed against it. Similarly the Jordanians have been going through their own parliamentary proceedings and I understand that the King is signing that.

Q509 Michael Ellis: So that is very good news.

Damian Green: That is good news, but we all know how long this has taken so I think we just observe that what we have been setting out to do for the last few months is happening.

Q510 Chair: You are not giving us a timetable for when he is going to leave the country?

Damian Green: I am not.

Chair: Minister, thank you very much for giving evidence. We are most grateful.

Written evidence

Written evidence submitted by the National Crime Agency [LSP 18]

LETTER FROM KEITH BRISTOW QPM, DIRECTOR GENERAL, NATIONAL CRIME AGENCY, TO
THE CHAIR OF THE COMMITTEE, 11 OCTOBER 2012

NATIONAL CRIME AGENCY

Thank you for your invitation to appear before the Committee as part of your “Leadership and Standards in the Police” Inquiry. I look forward to seeing you on 16 October. In the meantime, I am happy to answer your specific questions and provide an update on our progress to create the National Crime Agency.

WORK IN PROGRESS SO FAR

Much has been done since I last appeared before you. We are making good progress to set up the Agency, secure early operational results, and ensure wider law enforcement is ready for the NCA becoming fully operational by the end of 2013 (subject, of course, to the passage of the Crime and Courts Bill).

The NCA will be a highly visible agency of operational crime-fighters, protecting the public by cutting serious, organised and complex crime. Recognising that the threat is changing and our response must also evolve, the NCA will have an explicit mandate to lead and task the entire law enforcement response, on the basis of a single, authoritative intelligence picture. Its new approach and broad remit will deliver a step-change in tackling the damage inflicted by organised crime in this country—manifested in street corner drug-dealing; trafficking of men and women into modern-day bondage or prostitution; online sharing of horrific images of sexually abused children; and cyber-enabled scams that deprive people of their life savings.

I am pleased with the progress we are making to stand up a fully operational Agency by the end of next year. The NCA will go after some of the most risky and dangerous people that affect our communities—preventing and disrupting their criminal behaviour, taking their assets and stopping them from harming the public. Key elements of the NCA’s operating model include:

- four specialist Commands pulling together to protect the public—Economic Crime, Border Policing, Organised Crime and Child Exploitation and Online Protection (CEOP);
- a flexible operational taskforce, to provide the core crime-fighting capability;
- a National Cyber Crime Unit, to deliver a more targeted response to the most serious cyber crime, support transformational change in wider law enforcement, and significantly enhance crime-fighting partnership work with industry and the intelligence agencies;
- a multi-agency Intelligence Hub, enabling law enforcement to work together to deliver against a compelling and shared picture of the threat; and
- an effective set of tasking arrangements, to coordinate the NCA’s and partners’ assets and to target activity against the highest priority criminals.

THE OPERATIONAL STATUS OF THE AGENCY AND ITS COMMANDS AND TIMETABLE FOR BRINGING THE AGENCY INTO OPERATION

As you know, the Crime and Courts Bill will provide the legislative basis for the new Agency. It was introduced in the House of Lords in May and the NCA provisions have completed committee stage. Ministers have been clear, however, that we cannot wait for the formal establishment of the Agency at the end of next year to start to see operational improvements. Early progress is therefore already being driven through a set of “shadow” NCA commands, to better protect communities from the scourge of serious, organised and complex crime.

Under the leadership of its Director David Armond, shadow arrangements for the Border Policing Command are in place, with an initial core of SOCA, police, UK Border Agency and Border Force staff. This will deliver, for the first time, a unified, strategic intelligence picture and operational activity to deliver border security. Similarly, on economic crime, one early joint operation against Eastern European money launderers led to 13 arrests and important follow-up work against more dangerous criminals. Further operational and disruption activity is ongoing, including with international partners on boiler room fraud, and operations against those involved in pensions fraud.

Shadow arrangements for the other Commands, the National Cyber Crime Unit and the NCA’s intelligence functions are also taking shape. The Organised Crime Coordination Centre (which will become part of the NCA’s Intelligence Hub) is up and running and already conducting intelligence work which is making a difference operationally. Its effectiveness is underpinned by a strong multi-agency team, with crime-fighting officers from SOCA, ACPO, HMRC and UKBA. From next month, a shadow Intelligence Hub will begin providing intelligence support to the shadow NCA Commands, and shadow tasking arrangements will test how key operational partnerships will work.

POWERS AND RESPONSIBILITIES THAT WILL BE INCORPORATED IN THE AGENCY

In terms of precursor functions, agreement has been reached since my last update to you that the Proceeds of Crime Centre (POCC) will also transition into the NCA from the NPIA by the end of this year (via SOCA). POCC accredits and monitors financial investigators, operates a professional register and provides international training on request.

CURRENT STAFFING AND SENIOR APPOINTMENTS

The NCA will largely comprise officers and staff from SOCA, CEOP and other precursors and I expect it to have in the region of 4,000 officers when it is established (as the NCA's main precursor, SOCA's headcount in July 2012 was 3,816). Precise numbers who will transfer to the NCA from other bodies (such as the Police Central eCrime Unit currently in the Metropolitan Police Service) are subject to discussions with the MPS and other bodies and those officers and staff affected.

The Bill also provides for the recruitment of volunteer "NCA Specials", who will bring additional specialist skills to help tackle some of the most serious and complex criminality impacting on the UK. Over the next year we will continue to develop and finalise the NCA's workforce, including looking at how we can embed officers and staff from other organisations to maximise the Agency's crime-fighting strength and expertise.

Key to the effectiveness of the NCA is appointing the right operational leadership, with a proven track record in fighting crime at a senior level. As you know, I took up post at the end of 2011. Since then, David Armond, Trevor Pearce and Peter Davies have been appointed as Directors designate of the Border Policing Command (BPC), Operations, and the Child Exploitation and Online Protection Command (CEOP) respectively. Recruitment campaigns for Directors designate of the Organised Crime Command (OCC) and Economic Crime Command (ECC) began in July and we expect to appoint both soon.

FUNDING ARRANGEMENTS FOR THE AGENCY

As we have previously said, SOCA's budget (including CEOP) will form the bulk of the NCA's delegated budget. In the first full year of operations (2014–15) that is now expected to be around £403 million (reflecting NPIA functions that have been transferred, or will shortly transfer). Like SOCA, the NCA will also have supplementary funding streams, which fluctuate year on year (around £40 million in 2012–13). We expect these arrangements will continue for the NCA, as will CEOP's ability to raise and hold funds from donors. As I explained when I last wrote, the NCA budget will continue to develop, as the precursor landscape evolves and delegated budgets are revised.

I welcome the opportunity to provide you with this update on our progress and I look forward to seeing you and the rest of the Committee on 16 October.

*Keith Bristow QPM, Director General
National Crime Agency*

October 2012

Supplementary written evidence submitted by the National Crime Agency [LSP 18a]

EMAIL FROM NATIONAL CRIME AGENCY TO THE COMMITTEE, 25 OCTOBER 2012

KEITH BRISTOW'S EVIDENCE SESSION

Keith Bristow said he would go back to the Committee in response to Steve McCabe's questions around £3 million funding for coordinating intelligence around organised crime in the last financial year. The response on that point should be as follows:

"The National Crime Agency as such would not have been given any money to coordinate intelligence in the last financial year. We believe that the £3 million figure quoted by Steve McCabe MP refers to a range of funding that was budgeted by the Home Office in 2011–12 to cover organised crime coordination more broadly, including the Organised Crime Coordination Centre (OCCC) housed within SOCA.

The Organised Crime Coordination Centre is a key building block for the National Crime Agency's Intelligence Hub. It is already in place and is being developed with partner agencies; enabling police forces and other law enforcement partners to identify linkages between organised crime groups and agree the best approach for tackling them.

Although Home Office funding was set aside in 2011–12, the OCCC was ultimately funded from within SOCA's budget that year. In 2012–13, the Home Office has budgeted £1.958 million of

additional funding to support the operation of the OCCC. In addition to this, SOCA also supports the OCCC from their ongoing budget in terms of providing officers and staff, premises and IT.”

National Crime Agency

October 2012

Written evidence submitted by the Home Office [LSP 19]

LETTER FROM RT HON DAMIAN GREEN MP, MINISTER OF STATE FOR POLICING AND CRIMINAL JUSTICE, TO THE CHAIR OF THE COMMITTEE, 30 OCTOBER 2012

I am grateful to the Committee for launching an inquiry into leadership and standards in the police. Recent events regarding police integrity and the creation of the College of Policing provide a timely opportunity for these issues to be considered. The Committee will already be aware, following the debate in the House on the report of the Hillsborough Independent Panel, my Right Honourable friend the Home Secretary undertook to provide further detail to Parliament on proposals to address police integrity before Christmas.

As you are aware, the Home Secretary announced the selection of Alex Marshall as the Chief Executive on 24 October and we expect to make an announcement on the chair in due course. Once in post, we anticipate that the senior leadership of the College will take a number of decisions about the way in which the College will operate following its creation.

Please find enclosed the Government’s written submission. If you require any further information or evidence on any issues, I would be pleased to provide it.

Rt Hon Damian Green MP
Minister of State for Policing and Criminal Justice

MEMORANDUM

SUMMARY

1. The British model of policing by consent is one of which we are rightly proud. Every day, police officers risk their lives to protect the public, intervening in often dangerous situations, usually unarmed. They command the authority of the public because they carry out their work with the public’s consent. The Government is committed to maintaining this model.

2. To enable it to thrive, it is essential that the police abide by the highest standards. It is vital that we have confidence in police leadership to take difficult decisions; that new recruits to the police have the right skills, abilities and aptitude to provide an effective service to the public; that existing police officers have the right incentives to ensure that they acquire the skills they need to fight crime; and that police officers and staff abide by the highest standards of integrity.

3. The Government has embarked on an ambitious programme of reform aimed at improving standards in the police. In 2010, it commissioned Tom Winsor to carry out a review of police pay and conditions to make recommendations so that pay and conditions of service could maximise officer and staff deployment to frontline roles where their powers and skills are required, that were fair and reasonable for the taxpayer and police officers and staff and facilitate the introduction of modern management practices in the police. Tom Winsor reported in March 2011 and March 2012.

4. In 2011, the Police Reform and Social Responsibility Act received Royal Assent. This removed the role of central Government from the appointment of senior police officers outside London, handing responsibility to those closest to the public: Police and Crime Commissioners and Chief Constables.

5. In 2011 in response to revelations about phone hacking, the Government established the Leveson Inquiry and commissioned the Independent Police Complaints Commission to report on police corruption and Her Majesty’s Inspectorate of Constabulary to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power.

6. The Government will establish the College of Policing, first as an interim body and then as a statutory body as soon as Parliamentary time allows. The College will have a key role in improving standards in police leadership, for new police recruits, for existing police officers and to ensure that the police uphold the highest standards of integrity. This is an ambitious series of reforms. They are necessary to maintain the British model of policing.

RAISING STANDARDS

7. We are fortunate in this country to have the finest police in the world. It is important that police officers and staff continue to acquire and develop the skills they need to provide a high quality service to the public.

Police Leadership

8. At the most senior levels in the service, the public must have the confidence that those appointed to the most senior ranks have undergone rigorous examination and assessment before appointment. To ensure that this is the case, the Government has made it a statutory requirement for aspiring senior police officers to pass both the Senior Police National Assessment Centre and the Strategic Command Course before gaining promotion to the rank of Assistant Chief Constable.

9. On 15 November, Police and Crime Commissioners outside London will be elected. They will have the sole responsibility for the appointment of Chief Constables. They will hold their Chief Constable to account for the delivery of an efficient and effective police force, one which delivers policing and community safety services in the local and national interest. To do this, Chief Constables will need to understand fully the concerns of their communities, bringing communities closer to the police, building confidence in the force and ensuring trust. PCCs, with their powerful directly elected mandate, will hold Chief Constables to account for the extent to which they are able to grasp the concerns of their communities. They will have the ultimate power to remove poorly performing Chief Constables.

10. On 22 November, the powers of Chief Constables to appoint Deputy and Assistant Chief Constables will come into force. This will give Chief Constables the power, for the first time, to appoint the rest of their top teams. Since Chief Constables need to understand fully the concerns of their communities, they are best placed to take decisions about the mix of skills, abilities and individuals they need on their top team in order to provide an effective policing service to their communities. They will be held to account for the decisions they take by their PCC.

New Recruits to the Police

11. Below chief officer ranks, the Government is committed to raising standards. Tom Winsor's Independent Review of Police Officer and Staff Remuneration and Conditions contained a series of recommendations aimed at improving the skills and abilities of police officers and staff.

12. For those wanting a career in the police, Tom Winsor recommended that they should hold either a level three qualification, or else have served as a member of the Special Constabulary, a PCSO or in another police staff role considered by a Chief Constable as appropriate experience. To provide the most effective service to the public, it is imperative that the police recruit the very best candidates. Raising the standards of new recruits to the police will enable officers to provide a more effective service to their community. They will be able to work with less supervision as they will be more able to take the right decision and follow the correct process. This will free up those working in a supervisory role, enabling police forces to deploy more resources to the frontline.

13. Tom Winsor also recommended the introduction of a fast track scheme for promoting rapidly the very best candidates. The police currently have a scheme, the High Potential Development Scheme, which aims to promote candidates to the rank of Inspector within five years. Tom Winsor recommended that the police should be more ambitious and seek to promote the most capable officers to the rank of Inspector within a period of three years. The Government believes it is important that the police are able to promote its most talented and able officers to senior positions more quickly.

14. Currently, there is only one route to the police for those wanting a career as a police officer: to start as a Police Constable. Leadership skills needed in more senior ranks cannot be tested rigorously enough during the constable recruitment process.

15. The Government recognises that there are outstanding leaders in the police in England and Wales. However, it is not in the best interests of the police or the public that the police can only select its leaders from a narrow pool of officers. Tom Winsor has recommended the introduction of a scheme to recruit individuals from outside the police directly at the rank of Superintendent and, for those with relevant experience overseas, at the rank of Chief Constable. These recommendations will provide the police with access to a wider pool of talent than is the case currently making it more able to fight crime and protect the public. The Government will be consulting on these recommendations.

Serving Police Officers

16. The Government is also committed to raising the skills of those officers currently in the service. For too long, there has been insufficient incentive for officers to develop their skills. For the vast majority of police officers, the only determinant of pay progression has been length of service. Experience and time served are not the sole determinants of how ably a police officer can provide an effective service to the public. To do so, they must also have the right training, the right knowledge and the right skills.

17. The recommendations in Tom Winsor's Review propose a move away from a system in which pay progression is largely governed by time served and towards a system where those who seek to develop their skills and work in the most challenging roles are rewarded more fairly for their efforts. This will mean focusing pay where it provides greatest incentive to the acquisition of skills and provides greatest encouragement to creating a culture of continuing professional development.

18. The Government believes that these recommendations form a good basis for discussion and consultation, including through the formal police negotiating machinery.

Police Integrity

19. Allegations of unlawful or inappropriate behaviour by police officers must be taken seriously. Such allegations can undermine public confidence in the police and their ability to provide an effective service to the public. The Government has consistently acted on concerns about police integrity. Following the revelations about phone hacking in July 2011, the Government established the Leveson Inquiry to examine relationships between the police, politicians and the press. The Government also commissioned the IPCC to report on police corruption and HMIC to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships.

20. Both the HMIC and IPCC reports made clear that corruption is not widespread, nor is it considered widespread, in the police. The IPCC report also made clear that, where corruption does exist, it is corrosive of the public trust that is at the heart of policing. The police recognise that it cannot be complacent about police integrity. The Government is grateful for the work ACPO have done on reviewing existing governance arrangements for professional standards in each police force and including enhanced training on integrity as a part of the Strategic Command Course.

21. However, the Government will not allow problems that give wider cause for concern in relation to the integrity of the police to affect public confidence. Lord Justice Leveson will report shortly on the findings of his inquiry, and operations Elvedon and Weeting continue to uncover the involvement of individual police officers and police staff in the activities of News International. The report of the Hillsborough Independent Panel raises further issues that strike at the heart of the trust the public have in police officers. Operations Elvedon and Weeting and the report of the Hillsborough Independent Panel generates a level of public concern and loss of confidence in the police that is damaging to the reputation of the vast majority of decent, hard-working police officers, and therefore to the service's ability to police with consent.

22. It is partly for this reason that the Government has significantly reformed the policing landscape and the accountability mechanisms for the police. As part of this reform agenda, we are establishing the College of Policing that will put police integrity and transparency at the heart of its work to protect the public interest. How the College works alongside HMIC and the IPCC to build public confidence is of the utmost importance.

THE COLLEGE OF POLICING

23. The College of Policing will be central to future work to raise standards. The core mission of the College will be to fight crime and to safeguard the public by ensuring professionalism in policing. It will do this through the delivery of five key areas of responsibility.

24. First, it will have responsibility for setting standards and developing guidance and policy for policing, as well as the frameworks within which those standards can be tested. It will develop the national police curriculum for police training. It will devise and carry out examinations and assessments to determine the suitability of individuals seeking a career in the police or those wishing to gain promotion. Depending on the outcome of negotiations through the Police Negotiating Board, these frameworks may determine the way in which police officers are rewarded. Aspects of the business area structure that currently rests within ACPO will, where relevant, be integrated into the governance of the College of Policing.

25. Second, it will build and develop the research evidence for policing. To ensure that the police in England and Wales continue to provide a high quality service to the public, the College will ensure that police forces, as well as individual police officers and staff, are able to learn from the very best examples of policing across the world. The research evidence should be capable of being used by both police officers and staff in the course of their day-to-day work. The College will facilitate its use. The research evidence should also be used by PCCs to inform the way in which they spend their budgets. The College should work alongside academics to help build this evidence, although police officers and staff should play a central role in this work.

26. Third, it will support the professional development of police officers and staff. Although the College will be responsible for delivering some training, the emphasis will be much more on its role in developing a market for police training. Analysis carried out by Deloitte suggests that only 8% of expenditure on police training is on that provided by organisations outside the police. This equates to approximately £290 million. The Government recognises that there are some fields where it will continue to be appropriate for the College to deliver its own training, particularly those that are high risk, low volume and require the use of specialist equipment. However, over time the College will deliver less training directly and, instead, play a greater role in accrediting, licensing and quality assuring third party training providers.

27. Fourth, it will support the police, other law enforcement agencies and those involved in crime reduction to work together. To respond efficiently and effectively to the threat of serious organised crime and terrorism, police forces will need to work across boundaries, either between police forces or other organisations. The College of Policing, through its work to set standards and to accredit and quality assure training will support the police and those other organisations involved in crime reduction to work together.

28. Fifth, it will act in the public interest. As part of its role in enhancing this model, the College will be responsible for maintaining and promoting the ethics and values of policing. Reflecting the Government's approach, the College will be more accountable to the public by the inclusion of a number of Police and Crime Commissioners on the governing board of the College.

29. The creation of the College will reflect best practice from other professional bodies. Policing is a crucial public service and the governance of the professional body must reflect this. The College must be governed in the professional interest to ensure that its decisions have credibility and legitimacy. To achieve this, the Chief Executive will be a senior police officer and the board will have representatives of Chief Constables, the superintendent ranks, the federated ranks and police staff.

30. The College must also be governed in the public interest. Bodies responsible for setting standards in other, key public services in the United Kingdom in fields such as medicine, nursing, dentistry and the legal profession are governed in the public interest. The College of Policing should follow their examples, as well as those operating in other professions internationally. To ensure the College is governed in the public interest, the chair of the board will be independent of the police. The composition of the board will follow the examples of the General Medical Council, the General Dental Council and the Nursing and Midwifery Council. It will contain an equal split between police representatives and non-police representatives, including Police and Crime Commissioners.

Home Office

October 2012

Written evidence submitted by the Home Office [LSP 19a]

LETTER FROM RT HON THERESA MAY MP, HOME SECRETARY, TO THE CHAIR OF THE
COMMITTEE, 14 JANUARY 2013

I am writing to you following the Urgent Question debate in the House of Commons on 8 January 2013 about the disappearance of Ibrahim Magag, an individual who absconded from the restrictions placed on him by a Terrorism Prevention & Investigation Measure (TPIM) notice on 26 December 2012.

Following your question, and the question from Kevin Brennan MP, as to whether the police are in possession of Mr Magag's passport, I undertook to check what might be said in public on this matter. You also raised this issue with the Commissioner of the Metropolitan Police in his evidence session to the Home Affairs Select Committee later the same day.

The TPIM Act provides the ability to impose restrictions on an individual leaving a specified area or travelling outside that area, along with measures designed to help enforce that restriction. These measures can include a requirement not to possess a travel document without permission, and a requirement to surrender any travel document in the individual's possession. Similar provisions were available under the control order legislation.

There would normally be restrictions on the detail we can provide on individual measures in a control order or TPIM notice and steps taken to ensure compliance with these measures. However, on this specific occasion, due to information that is already in the public domain and because the anonymity orders in place regarding Magag's control order and subsequent TPIM notice have been lifted, it is possible to answer your question. I can confirm that the police have been in possession of Magag's passport since he was first made subject to a control order, and that they have retained possession since he became subject to a TPIM notice. As the Commissioner confirmed in his evidence to the HASC, the Identity and Passport Service have no record that Magag has sought to apply for a new passport. I understand that the Commissioner will write separately to the HASC confirming this information.

I would like to reassure you that the police, security service and other agencies are doing everything in their power to apprehend this man as quickly as possible. They also continue to assess that Magag is not considered to represent a direct threat to the British public at this time.

I will place a copy of this letter in the Library of both houses of Parliament.

Rt Hon Theresa May MP, Home Secretary

Written evidence submitted by the Home Office [LSP 19b]

LETTER FROM RT HON DAMIAN GREEN MP, MINISTER OF STATE FOR POLICING AND CRIMINAL JUSTICE, TO THE CHAIR OF THE COMMITTEE, 1 FEBRUARY 2013

The Home Secretary has today updated Parliament about the latest developments in the establishment of the College of Policing. A copy of her Written Ministerial Statement is attached.

Specifically, she has announced her intention to appoint Professor Shirley Pearce as the non-executive Chair of the College of Policing. Professor Pearce will take up her post soon. I am sure you will join me in welcoming her to this critically important role.

The Home Secretary has also confirmed that the College became operational on 1 December 2012 and that Alex Marshall starts in post as Chief Executive on 4 February 2013.

The appointment of Professor Pearce as Chair will provide a significant boost for the College as it establishes its authority as the professional body for policing.

Rt Hon Damian Green MP

Minister of State for policing and criminal justice

Annex

HOME OFFICE WRITTEN MINISTERIAL STATEMENT, FRIDAY, 1ST FEBRUARY 2013

UPDATE ON THE COLLEGE OF POLICING

The Secretary of State for the Home Department (Theresa May): In October I set out further information about the establishment of a professional body for policing, the College of Policing.

I can now update the House with progress on its establishment.

I am very pleased to announce my intention to appoint Professor Shirley Pearce as Non-executive Chair of the College. Professor Pearce recently concluded seven successful years as Vice Chancellor at Loughborough University and brings with her a wealth of experience in developing the health professions, in higher education, in research and development, and in working in partnership across sectors to further joint interests.

Earlier in her career Professor Pearce qualified and practised as a clinical psychologist before taking on a range of lecturing and senior executive roles, primarily at University College London and the University of East Anglia. Professor Pearce will bring extensive experience in the education and professionalisation arenas, and significant senior leadership experience to her role at the College.

The College became operational on 1st December 2012 and it will be established on a statutory basis as soon as Parliamentary time allows.

Alex Marshall takes up his full-time role as the Chief Executive of the College from Monday 4th February.

Written evidence submitted by the Home Office [LSP 19c]

LETTER FROM RT HON THERESA MAY MP, HOME SECRETARY, TO THE CHAIR OF THE COMMITTEE, 17 APRIL 2013

Thank you for your letter of 2 April about private compensation claims by police officers against members of the public.

I understand the strength of concern generated by recent reporting about a serving police officer making a civil claim against a member of the public.

Police and other emergency service personnel put themselves at risk every day to protect the public, which deserves our respect and recognition. Where police officers have been affected by an injury on duty there are a number of ways in which officers can access appropriate financial support, whether through the Criminal Injuries Compensation Authority or through specific provision for police officers in cases of serious and permanent injury. I am also aware that, similar to other professions, a number of private insurance arrangements are available to officers. I am satisfied that there are sufficient avenues available to police officers should they need to access financial support for an injury suffered on duty.

That is why I am disappointed that an officer would decide to take civil action against a member of the public and am confident this is not representative of the vast majority of police officers, who accept that risk is a part of their job. No member of the public who calls the police in good faith should fear being sued for compensation.

The Home Office does not collect or hold any information on compensation claims made by police officers and there is currently no national guidance on this matter. I have instructed officials to look into this issue further, and we will consider what further action might be appropriate when the extent of the problem is clearer.

It would not be appropriate for me to comment further on this case in the circumstances. However, I hope that this reassures you that I take seriously the concerns raised by this matter and I will take action if necessary to ensure that the public can have confidence in the police.

Rt Hon Theresa May MP, Home Secretary

April 2013

Written evidence submitted by the Association of Chief Police Officers [LSP 21]

INTRODUCTION

The Association of Chief Police Officers (ACPO) welcomes the opportunity to contribute to the Home Affairs Select Committee's Inquiry into Leadership and Standards in the Police. With regard to the Committee's terms of reference, this submission sets out a professional view from the operational leaders of policing on current opportunities and challenges facing the police service, with specific reference to the new College of Policing (CoP) and police leadership.

The coming changes in policing are framed by a decade of falling crime and increased public trust and satisfaction in the police. According to an Ipsos Mori poll conducted last year police officers are considered some of the most trustworthy professionals in the UK, ranked above Business Leaders, Civil Servants and politicians,¹ evidence also supported by Sir Chris Kelly and his Committee on Standards in Public Life's most recent report².

The resounding success of the Olympic and Paralympic games this year is a testament to the police officers, police staff and partners, who have met one of the greatest security challenges of our time with aplomb. Such achievements are a result of the careful planning that the service and its partners put into this event over the past four years. Police leaders have undoubtedly led from the front throughout this process.

Policing in the UK is built upon a relationship with the public. While the nature of policing attracts scrutiny and contentious debate that can put this relationship to the test, the bond remains strong and it must be continually nurtured. The College of Policing is a tremendous opportunity to establish policing as a recognised profession with a stronger body of evidence-based practice and professional ethics. It will allow policing to promote research, and take greater ownership of leadership development.

The Prime Minister, Home Secretary and this Committee have all publically noted that the police service has responded impressively to the challenges of reducing budgets, reform and change. We believe the future of police leadership will continue to move policing forward to better serve the public.

THE ASSOCIATION OF CHIEF POLICE OFFICERS

The Association of Chief Police Officers brings together the expertise and experience of chief police officers from England, Wales and Northern Ireland. ACPO is an independent, professionally-led strategic body. In the public interest and, in equal and active partnership with Government and the Association of Police Authorities (APA) (and APCC in future), ACPO leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland. The Police and Justice Act 2006 confirms ACPO as a statutory consultee. In times of national need, ACPO, on behalf of all chief officers, coordinates the strategic policing response.

The functions of ACPO include facilitating decision making by chief constables at a national level, providing national policing coordination, national policing communication, national development of professional policing practice and providing oversight, through chief officers to some national policing units. In the absence of a federal model of policing it provides a voluntary structure to secure national agreements which underpin the ability of all forces to deliver consistent and interoperable policing to keep citizens safe and secure.

There are presently 307 members of ACPO, comprising chief officers holding a rank at or above Assistant Chief Constable (or Metropolitan Police Service equivalent: Commander). They also include senior police staff colleagues of equivalent status, for example heads of human resources and finance, and in some forces heads of communication and legal services.

THE COLLEGE OF POLICING

On 15 December 2011 the Home Secretary announced to Parliament that she intended to establish a Police Professional Body (PPB) whose mission "will be to develop the body of knowledge, standards of conduct, ethical values, skills and leadership and professional standards required by police officers and police staff in England and Wales, supporting them to more effectively fight crime. The professional body must work in the public interest and will include work on the following areas: ensuring police officers and staff have the qualifications and skills to provide a high quality service to the public, maintain their professional competence,

¹ Ipsos Mori, Trust in Professions 2011, www.ipsos-mori.com

² Committee on Standards in Public Life "Survey of Public Attitudes in Public Life 2010", http://www.public-standards.org.uk/Library/CSPL_survey_Final_web_version.pdf

keep their skills and knowledge up-to-date and uphold the highest standards of conduct and ethical values.” She further announced that the Police Minister would lead a Developing Professionalism Working Group (DPWG) which would work through detailed implementation. As of the 16 July the police service has been working toward a College of Policing.

ACPO President, Sir Hugh Orde welcomed the announcement, stating:

“Chief officers welcome today’s announcement of a College of Policing. The professional recognition that it will bring to the police service in future, for the skills and expertise officers and staff demonstrate daily, is a significant step for policing. A solid framework for working with universities and others to develop the evidence base for policing is also an exciting opportunity.

“What now lies ahead is the task of successfully transferring those important functions currently carried out by the National Police Improvement Agency in a smooth and timely manner. I am pleased to note that the Home Secretary has supported the continuation of the vital work conducted by the ACPO Business Areas and over the coming months chief officers who lead in these areas will ensure that relevant non-operational national policing continues to be delivered through the new structure.

“For the College of Policing to be a success we must now work to ensure that it represents the service as a whole.”

The objectives for the College of Policing are still being developed. But as of 16 July 2012, the Home Office stated that the College would:

Protect the public interest by:

- promoting the values of effective policing;
- learning from and supporting improvement in policing; and
- maintaining ethics and values.

Set and enhance first-class national standards of professionalism to ensure excellence in operational policing by:

- developing a set of nationally agreed standards for officers and staff to attain;
- providing frameworks for standards to be tested and achievement rewarded; and
- supporting national business areas.

Identify evidence of what works in policing and share best practice by:

- providing access to a body of knowledge that is informed by evidence-based research and best practice; and
- continuing to develop an understanding of the evolving threats to public safety and enable the service to retain the capabilities needed.

Support the education and professional development of police officers and staff by:

- developing and maintaining the national policing curriculum, assessment and accreditation frameworks;
- delivering leadership and specialist training;
- accrediting and quality-assuring training providers; and
- developing future leaders and expertise through effective talent management.

Enable and motivate staff and partners to work together to achieve a shared purpose by:

- working with partners to make the best use of specialist knowledge;
- supporting desired behaviours and actions that embody the service’s values; and
- ensuring interoperability with partners and other sectors.

The College of Policing is seen by ACPO as a tremendous opportunity to set up policing as a recognised profession with a stronger base of evidence based practice and professional ethics. It will allow policing to take a greater ownership of leadership development and promote research.

It is vitally important that the College of Policing has the support of the police family as a whole. Whilst led by a Chief Constable (as Chief Executive, providing the critical link into Chief Constables’ Council), the Chair will be independent of policing and supported by a Board that will bring together the right mix of police and non-police individuals to provide essential oversight and challenge.

Its primary focus will be to develop policy in those areas where interoperability is critical, without constraining local freedom unless absolutely essential. It will set standards and disseminate best practice to police forces—independent of government and in an entirely transparent way.

Whilst initially the College will clearly inherit an essential legacy from National Policing Improvement Agency (NPIA), looking forward it will engage with universities and the wider academic world. This is an exciting prospect that could really build on the existing professionalism and expertise that exists in the service. It will assist in providing a framework for developing dynamic relationships with academia that have not been possible under current arrangements.

We are pleased to note the importance of that the ACPO Business Areas is recognised,³ and believe that it is sensible that the college builds on the existing ACPO Business Area structure. Whilst there will be a degree of complexity to this, it is right that the College owns the development of policy and practice, answering to the Chief Executive before Authorised Professional Practice (APP) is examined and signed off by Chief Constables' Council and operationalised across the country.

Authorised Professional Practice

In September 2010 Chief Officers agreed a wide-ranging review of guidance across all ACPO business areas. This review resulted in the decision to consolidate and replace current guidance with Authorised Professional Practice (APP). APP streamlines existing guidance onto a single online platform and to date, has seen a 60% reduction in policy documents, equating to a reduction of thousands of pages of guidance. The central aim of the programme is to make critical operational information available in a much clearer and simpler way to frontline staff in police forces.

There is a huge amount of policing know-how and corporate memory encapsulated within these Business Areas. Given that it will be the task of the College to identify future challenges and how we might build the capacity and capability to deal them, it is important that it draws on these existing resources at practitioner level.

The police service and the College should ensure APP is built around evidence and is underpinned by tactical doctrine that sets out the design and intended effect of all frontline roles. The College should work with the police service to develop the curriculum and standards for training of officers in law, procedure and evidence-based practice to equip them with the knowledge to operate as independent professionals in the field.

Her Majesty's Inspectorate of Constabulary (HMIC) believes that with the imminent creation of the College of Policing and the development of the police service's accumulated policy and guidance into a tighter body of APP, the time is right to recommend a renewed focus on the frontline police officer.⁴ The creation of a single, clear mission for policing, with resonance throughout the service, is of central importance to successfully establishing the professionalisation of these frontline roles.

ACPO has agreed a National Decision Model (NDM), a critical element of which is the "Statement of Mission and Values" (annexed⁵). This is a clear statement that for policing, all our decisions and each stage of our decision making process should be driven by our mission and values. The Statement of Mission and Values and the NDM provide a framework for all police officers, all police staff and all police leaders. This emphasis on our mission, values and ethics is consistent with the intentions of the new College of Policing.

NATIONAL DECISION MODEL



³ Within the ACPO set up there are 14 Business Areas, 340 chief officers making up ACPO and 336 separate police functions or types of crime ("portfolios") that are nationally led and coordinated by a Chief Constable, ranging from police use of firearms to metal theft. These roles are supported inside and outside the police service by the ACPO Communications Team which responds to national media enquiries concerning policing and crime reduction.

⁴ HMIC, Taking Time for Crime, 2012, p. 18

⁵ Not printed.

Police leaders will need to undertake to provide the required knowledge and to shape the infrastructure around the newly designed APP in the same way it has for what it currently designates as guidance. This approach would support an approach to pay and reward that recognises contribution, skills and expertise rather than experience.

RELATIONSHIP WITH ACPO

ACPO has identified areas where there is clearly an overlap between aspects of the current role of ACPO within the policing landscape and some of the intended functions of the new College. ACPO has therefore been working constructively to review the role of ACPO going forward.

The College will have a clear focus on developing individual professionalism. However, ACPO has a role in developing service-wide operational approaches such as, neighbourhood policing and intelligence-led policing, and has provided a structure for operational decisions, co-ordination and communication at a regional and national level. Given the operational and constitutional responsibilities that are vested by law in Chief Constables; these roles may not sit comfortably within a standards body.

We firmly believe that the functions performed by ACPO—in particular the bringing together of the Chief Constables of England, Wales and Northern Ireland, the operational leadership of the service, the important role of the President to consult with colleagues and, with their mandate, to speak on behalf of the service—should be retained. However, ACPO also recognises the need to change to provide the appropriate fit with the new College of Policing and provide sustainable governance and transparency to ACPO itself.

As noted, the Chief Executive of the College will be embedded in Chief Constables' Council (CCC). But as the College is a non-operational and inclusive organisation (with the Police Federation of England and Wales, Superintendents Association of England and Wales, Police Staff Council and Police and Crime Commissioners on the board), operational police matters such as national incidents that require the professional voice of the leadership of the service to comment upon will remain the remit of the operational leaders of the service, at local, regional or national, level depending on the event.

It is ACPO's view that the existing arrangement of Chief Constables' Council needs to be delineated from the College and enshrined in statute. It is important that there is a separate forum for Chiefs to speak with one voice on national operations and policy, which would not be appropriate for a college. Our opinion is that there is also a key role for the ACPO president, who, after consultation with chief constables and having received their mandate, can speak on behalf of the whole service. There are also areas of national coordination such as the Police National Information Coordination Centre (PNICC) and counter terrorism that need to exist outside the CoP structure.

OUR WORKFORCE

ACPO provided a submission to the "Review of Remuneration and Conditions of Service for Police Officers and Staff" led by Tom Winsor, setting out a view on how we ensure a workforce, from top to bottom, which is recruited, trained and motivated to deliver the challenges of the future.

In this submission we stated that current reward packages are not "fit for purpose" and represent a significant missed opportunity to motivate our workforce at all levels. Tom Winsor has completed his review and the Police Arbitration Tribunal delivered their ruling on the first part of his recommendations on 09/01/12 and we expect the decision on the second part imminently.

Overall, the decisions appear to strike a balance between the need to achieve savings given the national economic situation and the financial pressures facing individual police officers. Chief officers would like see a greater move towards future longer term pay reform, which better reflects skills acquired over time served. We see this as an integral step to developing the leadership of the police service further and improving standards across the board.

Police staff: All colleagues are part of the professional policing family. Police staff and PCSOs now represent 38% of the police workforce in England and Wales, with staff represented at almost all management levels in forces and across all policing functions. The role of police staff is integral to modern policing. There has been some development activity common to both officers and staff. For example, NPJA courses, including the Strategic Command Course (SCC), are available to officers and staff alike. The College of Policing is an opportunity to enhance further an integrated, skilled and efficient workforce.

ACPO continues to consult and seek the best processes to ensure that the police service draws from an ever wider range of talented people. The police service has shown over recent years it has the capability, at all levels of the organisation, not only to deal with the most complex and challenging operational environments but also the business skills to redesign the organisation in the face of rapid reductions in budget and considerable structural change. Building on this knowledge base and experience, whilst finding innovative ways to attract talent is vital to the future of the service and will be a critical mission for the College.

LEADERSHIP DEVELOPMENT IN POLICING AND OTHER SECTORS

“One of the real challenges that police leaders face is that we have all largely only ever worked for the police service and that has some real strengths in terms of shared history and ethos; all of us have been operational cops on the front line but it also carries with it some real challenges in that our outlook can be very narrow.”

Sir Peter Fahy QPM

Chief Constable, Greater Manchester Police and ACPO lead for Workforce Development

The police service does not operate in isolation. Increasingly, it operates in partnership with service providers across all sectors. National policing developments and security concerns as well as global trends and capability and capacity issues strengthen the need for stronger connections across the public and private sector. It is important to develop any future police leadership strategy based on best practice and collaboration across sectors to achieve the best outcomes.

Leadership development should include opportunities to gain experience of other sectors; and leadership programmes can benefit by involving colleagues from a range of backgrounds. The College of Policing presents a particular opportunity in this area. Well established bodies such as the Royal Colleges of Surgeons and Physicians are held in high regard and promote a sense of professionalism and expertise that enhance public trust and confidence. It is just such a position that the College of Policing should aspire to reach, and engaging with senior leaders within those and other relevant bodies should be a key milestone in the College's establishment and development.

Officers can gain skills and experience of significant value by taking on roles and academic opportunities outside of the service, and as such, ACPO supports making it easier for officers to take career breaks or leave and re-enter the service after periods of outside employment.

The NPIA publication *A Strategy for the 21st Century, Leading Policing*, explains some areas of best practice that policing can draw upon.⁶ The strategy maps out a development journey through the various ranks with a movement to externally accredited qualifications providing a mixture of theory and performance in the workplace.

We recognize that there is an opportunity in linking into the development activities of other organizations, where there is a clear benefit for policing. Established links with leadership training outside the police service include the Windsor Leadership Trust, the multi-agency Leading Powerful Partnerships course run by the NPIA and attendance on the Top Management Programme which used to be run by the Civil Service College. This is something the College of Policing will no-doubt continue.

Common components of leadership development programmes in recent years include more emphasis on emotional intelligence and ethical leadership, as well as personal leadership, operational leadership, and business skills.

Ethics and values are covered in all leadership development programmes in the UK police service. This allows participants to explore the dilemmas involved in modern policing. Speakers with experience of challenging operational situations and incidents which have led to public enquiries are used to provoke thinking. Participants are presented with an ethical framework and the appropriate tools for ethical decision making.

The Strategic Command Course (SCC) is aimed at superintendents, chief superintendents and police staff equivalents who are seeking promotion to chief officer rank (ie Assistant Chief Constable, Commander and Assistant Chief Officer).

The SCC (programme evaluation annexed⁷) is primarily delivered through a series of highly demanding strategic exercises, which are designed to stretch the participants' knowledge, skills, attitudes and abilities across the following three key areas:

- Business Skills.
- Executive Skills.
- Professional Policing Skills.

UK police officers and staff must pass the Senior Police National Assessment Centre (Senior PNAC) or Senior Staff Selection Process. Delegates from other agencies will be expected to have been selected on the basis of their ability to operate at executive level within their own organisation.

The Campaign for Leadership, part of the Work Foundation, maintains a large database of profiles of leaders in the UK across all sectors. The database, holds information on over 37,000 profiles of leaders, has been built over the past few years around individual leaders and their peers and staff completing a Liberating Leadership Profiling instrument. This tool gathers self-assessment and staff/peer perception data across thirty-eight constructs which have been identified from research to be critical in effective leadership performance. The constructs include the ability to show vision, inspire staff, approachability, fairness, trust in staff and willingness to seek feedback.

⁶ National Policing Improvement Agency, *A Strategy for the 21st Century, Leading Policing*, 2008, pp. 31–40

⁷ Not printed.

Over five thousand profiles of police leaders are included on the database. A comparative analysis of the database carried out by the Campaign for Leadership revealed that police leaders compare favourably with leaders in other parts of the public sector and other sectors.

The police service places great store on leadership qualities and perhaps has focused less on the management requirements. This has generally not become an issue when the workforce charged with delivery has been predominantly omniscient officers, who are entirely flexible and inherently resilient.

However with a climate that has rising demands and increasing public expectation set against a challenging financial landscape, policing is becoming more specialized and in almost every field there is a movement to accredited qualifications and a record of practical application. It is often the level of expertise which counts rather than the rank of an individual officer. ACPO has argued in its submission to the Winsor report that the pay and reward system needs to change to recognise these developments.

ENTRY ROUTES

Chief constables are already of the opinion that the business of policing should not be left to the police alone. Every force has experts brought in from outside in areas such as human resources, finance, investigation and IT. The quality of these individuals is high and they add real value to policing.

We want to ensure that the best people get to senior positions in policing, and that we harness valuable skills from other sectors in leadership roles where possible.

There is very little evidence available or research carried out as to how successful direct entry may or may not be for policing. In the absence of such objective evidence the debate has tended to become much polarised.

Currently, ACPO supports direct entry under the following provisos:

- The Office of Constable must remain at the heart of British policing, as the bedrock of service culture and representation of independent law enforcement to the general public.
- Those taking up officer roles must have the operational skills and experience to perform their role effectively and safely.
- Those taking up officer roles must have the generic operational skills and experience to provide their Chief Constable with the required level of flexibility and capability to be deployed at their rank.
- Robust and respected accreditation processes must be put in place to ensure that the skills and expertise required at each of the different ranks can be reliably and accurately assessed.

In terms of operational policing, the level of expertise, training and experience required is extremely specialised. ACPO is very conscious of the value the service takes from senior management teams with extensive operational experience, and the operational credibility and confidence this generates in officers in the field.

There may be some situations where a candidate from outside of the service has particular skills or experience for a role, however direct recruitment should never be at the expense of operational competence.

Given the level of risk managed by the service it is crucial that senior officers are competent from day one. Progression through the ranks provides a strong test over an extended period of the operational aptitude and ability that the public has a right to expect. However, we are aware that the requirement to serve in every rank limits the pool of individuals who may be selected for senior officer positions to those who have worked within the service for a significant period of time.

There are already many opportunities to join the service in higher positions as police staff members and it is only those roles considered to be highly operationally sensitive which are limited to experienced police officers. Civilian staff members are well represented at all levels including senior management teams and make an enormous contribution to service delivery across all forces.

ACPO believes that any direct entry should be considered solely on a role-by-role basis where the qualities of a specific position or candidate justify it.

We do not support the selection of a select group of recruits for immediate service at middle management level under an “officer class” model. This two-tier recruitment system seen in the military does not reflect the cultural and structural differences between the organisations—modern policing is built on a history of meritocracy, and equality of opportunity, which ACPO feels should continue to be respected.

All police officers and staff who have the potential to perform well in senior positions should be nurtured and developed from an early stage in their service, and therefore the emphasis should be placed on enhanced talent management and accelerated promotion processes in order to achieve this. In its submission to the Winsor Part 1 report, ACPO stated that accelerated promotion for exceptional talent, for both police officers and staff, should be a key element of increasing professionalism within policing.

POLICE LEADERSHIP AND STANDARDS

We live in an age where trust in authority is waning. A succession of events continues to undermine the public's belief in those in positions of influence and status in society. The senior leadership of the police service recognises that policing is not immune from, and may often find itself in the eye of, this storm.

A great strength of British Policing is its openness and willingness to be held to account for our actions. Transparency is vital in all we do, for it breeds trust and confidence. High levels of accountability are critical if we are to maintain the consensual policing model that is so admired around the world, based on the citizen's confidence and support.

Policing is a risk business and as such chief officers, on whose shoulders that collective risk is placed, inevitably become the focus of attention when things go wrong, given the nature of the business this is entirely right.

Policing takes place in society's uncontrolled spaces and in these spaces, unfortunately, errors are made, situations develop, and outcomes are not always those originally intended. The buck stops with a Chief Constable and when an investigation is necessary, it will look toward the force leader. However, the existence of investigations is not a reflection on the quality of the leadership of the service, but a reflection of the necessary accountability structure of the police service.

Complaints against Chief Constables and senior officers are rare, considering the millions of contacts police forces have every year, and those that there are, are often low-level and unfounded. Yet, the fact that the investigation took place in the first place, often adds to the perception of a shady and untouchable leadership. The reporting of an investigation taking place is often what makes the headlines but the conclusion of an investigation, where no fault is found, rarely does. In a profession where confidence and integrity is fundamental perception can be as important as fact.

Recent events in some forces have demonstrated that, as in all forms of public life, there are undesirable individuals. The fact, however, that it has been the police service itself that has reported, investigated and then dispensed appropriate justice as a result of these incidents is testament, not to an introverted and unaccountable service, but to one that removes "bad apples" from the barrel when they are found.

The police service also recognises the need to assess the health and integrity of the barrel itself. The recent HMIC report on police integrity gives an encouraging picture about police integrity, but it does deliver some clear recommendations for organisational change and consistency across the service. Through ACPO and specifically the work of the Professional Standards and Professional Ethics portfolios, ACPO is responding very positively to those recommendations.

We also recognise that on its own it is not enough for British policing to be, in the Home Secretary's words, "the finest in the world", or to rely on rising trust and confidence figures. The service must respond positively and quickly to ensure that we are in the vanguard of public service leadership.

We plan to keep a focus on this significant challenge by working closely with HMIC and the College of Policing. This would be enhanced by the commissioning of external scrutiny in respect of integrity and senior police leadership. We will, through the Workforce Development/Professional Standards Business Area working with the Professional Ethics Business Area, develop a response which includes the development of robust standards, clear guidance for colleagues, training and information as well as tackling bad behaviour. The Association sees this as being absolutely a role for the leadership of the service. We recognise that only with clear and strong direction from the top will policing be able to demonstrate the openness, transparency and accountability needed to continue growth in public confidence and trust.

Much work has already been undertaken in this regard. ACPO Professional Standards portfolio has commissioned a report from Transparency International UK (annexed⁸), which makes recommendations about how we might achieve a more transparent corporate governance structure. The Association is currently assessing how best to take these recommendations forward. ACPO guidance has also been produced on gifts, gratuities, and hospitality as well as business interests and secondary employment. It is intended that forces will ensure their own policies and procedures fall in line with this. The emphasis going forward in relation to the application of standards will be consistency and transparency. The CoP opens up a significant opportunity for a more professional approach to standards, values and ethics and for police ethics to be as influential across the police service as medical ethics has been across medicine."

THE FUTURE OF POLICE LEADERSHIP

Police and Crime Commissioners will have a rich pool of candidates to choose from when they take office, and there is an abundance of talent coming up through the ranks who will lead the service in future. Do we need to voice some thoughts on process of how PCCs will select and also on Reg 11?

As above, ACPO believes that the College of Policing presents an opportunity for developing future police leaders further, but do not recognise that this automatically infers inefficiency, or deficiency, in the current

⁸ Not printed.

pool. To strive for improvement is not an admission of failure but a sensible goal for an organisation that relies on strong leadership.

Chief Constables will need to continue to take responsibility for national talent management to ensure staff with clear potential for the most senior positions are identified at an early stage and get the best balance of operational experience, secondments and other opportunities. Facilitating talented people will continue to be a priority for ACPO and must be a priority for the College. A national training capacity and facility for policing excellence is absolutely essential in maintaining standards and bringing forth high calibre future leaders of the Service.

Talented people need to reach the senior positions at an early stage in their service but ambitious individuals must also appreciate the expectation that they will need to move forces to gain the full range of experience and this takes time. The accelerated promotion schemes and entry at Inspector level, as proposed by the Winsor Review, may broaden the base from which senior leaders are drawn from.

Should the proposals be accepted at the Police Arbitration Tribunal the service will watch closely what effect they have. As for “direct entry” at higher levels, eg. Superintendent ranks, it is felt that a pilot should be conducted before any such scheme was operationalised. The job description for a Chief Constable is seven pages long, and while many skills from other professions are transferable, the role is unique in public life and attempts to change it must be considered with caution.

Police forces already bring in individuals from a wide array of backgrounds in non-warranted roles. Assistant Chief Officers (who are members of police staff) play a vital and influential role in UK policing. They are regularly drawn from successful careers in finance, human resources, IT and more and bring a wealth of experience into policing.

It is important that development opportunities include working and training with other sectors and the opportunity to obtain mainstream qualifications through external providers. It is often suggested that senior officers lack the business skills to run an organisation the size of a police force. However, there is ample evidence of police leadership dealing with not only operational challenges but also with organisational change; never more has this been demonstrated than under the current CSR.

The development of business skills has been strengthened in both the Independent Commanders’ Course and SCC. At the same time it is inevitable that every middle or senior manager in the police service (and this is true for other sectors) is having to learn quickly the realities of managing in a time of uncertainty where the need to deliver more for less is paramount. A copy of the most recent SCC programme and evaluation is annexed to this submission.⁹

It is critical that police leaders throughout their career are trained and assessed against mainstream standards which recognise the realities of the size and complexity of budgets and projects that police leaders are held accountable for but also that they are supported by professionals with particular expertise in finance, human resources and other business disciplines.

Policing is undoubtedly a vocation, which makes discussing matters of remuneration difficult. While we believe that private sector performance related payments should have no place in policing, it must also be recognised that the business of policing requires a unique and specialised skillset, with a salary that reflects this. Chief police officers work in unique, imprecise environments, and we rely on them to make split second decisions. There is no doubt that this should be recognised. However, we are clear that this should be done in a fair and transparent way, with regard to pressures on the public purse.

CONCLUSION

With seniority comes greater expectation and accountability, and those who lead must do so by example. The overwhelming majority of all those who work within policing—including those who lead the service—work tirelessly to serve their communities with commitment and integrity. The public quite rightly expects all police officers to demonstrate the very highest standards of professional conduct.

Police leaders are subject to a range of inspection and investigation regimes and the almost daily scrutiny of police authority members (and PCCs in future), the media, local politicians and members of the public. They deal with ever more complex operational situations and some of the most intractable social problems in the country. Individual cases will always attract attention and concern but put in the context of the challenges of modern policing and the progress made in reducing crime and improving police performance British police leadership compares well to other sectors and policing around the world.

Policing has nothing to fear from greater accountability to the public. Police leadership is strengthened by independent oversight and challenge. The public interest is best served by having a lessons learned approach which encourages staff to report concerns and acknowledges that police professionals work in complex situations where social attitudes change over the years.

⁹ Not printed.

What must be recognised is that the public we serve overwhelmingly have confidence in the police. The police service is currently facing wide-ranging reforms but the commitment of police officers of all ranks to get on with the job is unwavering.

Association of Chief Police Officers

November 2012

Supplementary written evidence submitted by the Association of Chief Police Officers [LSP 21a]

LETTER FROM SIR HUGH ORDE OBE QPM, PRESIDENT OF THE ASSOCIATION OF CHIEF POLICE OFFICERS, TO THE CHAIR OF THE COMMITTEE, 15 NOVEMBER 2012

I write further to your letter on the subject of PACE codes dated 24th October.

The issues arising from the suspension of Detective Superintendent Fulcher are, as you allude to in your letter, somewhat sensitive and subject to an IPCC investigation. Clearly therefore ACPO is working with the constraints of that investigation whilst determining the necessary response required.

Discussions are being held between the ACPO Crime and Criminal Justice Business Areas and Chief Constable Jon Murphy, who speaks for ACPO on major and serious crime investigations, has prepared guidance for chief constables on this Issue. I am hopeful that I will be in a position to update you more fully on this matter in due course,

In the meantime, as requested, I am pleased to enclose the latest published figures showing the gender balance and proportion of ethnic minority officers and leaders Within the ranks of the service at this time.

Sir Hugh Orde OBE QPM, President of the Association of Chief Police Officers

Annex

Rank Representation by Gender
England and Wales - 31st March 2012 (Latest Available)

Rank	CON	SGT	INSP	C/INSP	SUPT	C/SUPT	ACPO	TOTAL
Female Officer Volume	30278	4000	1159	297	145	46	37	35962
% Female Officer Representation	29.4%	18.7%	17.6%	17.2%	16.3%	12.1%	17.7%	26.8%
Male Officer Volume	72656	17371	5431	1430	745	334	172	98139
% Male Officer Representation	70.6%	81.3%	82.4%	82.8%	83.7%	87.9%	82.3%	73.2%
Total Officers	102934	21371	6590	1727	890	380	209	134101

Rank Representation by Aggregated Ethnic Group
England and Wales - 31st March 2012 (Latest Available)

Rank	CON	SGT	INSP	C/INSP	SUPT	C/SUPT	ACPO	TOTAL
Minority Ethnic Officer Volume	5540	778	228	64	36	12	6	6664
% Minority Ethnic Officer Representation	5.4%	3.6%	3.5%	3.7%	4.0%	3.2%	2.9%	5.0%
Total Officers	102934	21371	6590	1727	890	380	209	134101

This report has been produced by the NPIA Equality, Diversity and Human Rights (EDHR) Unit. It contains basic statistical information collected, summarised and contextualised from Annual Data Returns (ADRs) which are sent to the Home Office for inclusion into the Police Service Strength Bulletin.

Association of Chief Police Officers

November 2012

Supplementary written evidence submitted by the Association of Chief Police Officers [LSP 21b]

LETTER FROM SIR HUGH ORDE OBE QPM, PRESIDENT OF THE ASSOCIATION OF CHIEF POLICE OFFICERS, TO THE CHAIR OF THE COMMITTEE, 10 MAY 2013

Further to the Committee's evidence session on Leadership and Standards in Policing (23rd April 2013), I felt it might be helpful to write to the Committee to address some of the questions raised about the steps the leadership of the service has taken to address diversity issues within policing.

Much has changed in the police service over the last twenty years. While there is still some way to go, the service has shown that it is willing to listen and learn from past events.

The College of Policing provides a suite of national leadership development programmes, which form part of the overall talent management strategy within the police service. I have briefly outlined details of the existing schemes to encourage talent within policing, in particular, those which specifically reach out to minority groups.

HIGH POTENTIAL PROGRAMME

The current version of the High Potential Development Scheme (HPDS) has been running since 2008. This is proving useful in progressing those from under-represented groups, including women and BME officers.

POSITIVE ACTION PROGRAMMES

Positive Action is about creating a level playing field to enable people to compete on equal terms. It describes a range of measures which aim to eliminate unlawful discrimination and promote equality of opportunity. A number of positive action programmes have existed over the years in different forms.

In November 2012, a new suite of programmes was launched to aim to balance the needs of the service and individual officers, support forces (emphasising their responsibilities by engaging line managers and others), and make best use of our resources in a way that will make the most difference.

Currently, stages 2 and 3 focus on BME and female officers, although the College of Policing intends that this will eventually be extended eventually to those with other protected characteristics. The new programmes consist of:

- Stage 1 (*Emerging Potential*) is aimed at practitioners (constable to inspector and staff equivalents) and we are producing a 2 day module trainers' pack as a resource for forces to deliver internally or across regions.
- Stage 2 (*Releasing Potential*) is aimed at chief inspectors; this links with college courses (Foundation and Senior Leadership Programmes) but also provides three 1.5 day workshops, action learning sets and mentoring.
- Stage 3 (*Realising Potential*) is aimed at superintending ranks including those aspiring to ACPO.

This links with the Leading Powerful Partnerships programme, has three 1.5 day workshops and provides some professional coaching support as well as ACPO mentoring.

MENTORING

Mentoring from senior officers within the Service provides invaluable inside knowledge and experience, and forms a key part of the stage 3 'Realising potential' programme for superintending ranks.

The opportunity to network with senior officers is viewed by many delegates as important in taking the next steps in their career, but is also beneficial in helping to address the isolation that can come from senior leadership—in particular that which can arise from being one of only a few representatives from a minority group.

There is currently pool of over 60 ACPO mentors who have signed up to take part in this programme, which currently includes 16 BME candidates.

OTHER LINKS TO TALENT MANAGEMENT

BME scout programme—a group of 20 BME officers drawn from current HPDS officers and Releasing Potential chief inspectors. HPDS Development Advisors work with this group on a local force basis to identify and support high potential individuals from BME backgrounds to apply for current HPDS and future fast track programmes. The group has the support and involvement of HPDS ACPO lead, DCC Giles York.

TRIDENT

As a final point, the subject of Operation Trident also came up during the session. Hansard records the following comments from Mr Fuller:

“It is the same principle I used when I set up Operation Trident to tackle gun crime in London. It is not a soft thing. The relationship with the black communities in particular in London was essential in gaining intelligence.”

Operation Trident was the original concept of Detective Chief Inspector Steve Kupis and I was its first commanding officer, appointed by Denis O'Connor. Since the late 1990s when first established, Operation Trident has gone through various forms, including under the command of Mr Fuller. The contribution of DCI Steve Kupis and his colleagues to its creation should not be overlooked.

Sir Hugh Orde President, Association of Chief Police Officers
Association of Chief Police Officers

May 2013

Supplementary written evidence submitted by the Association of Chief Police Officers [LSP 21c]

POLICE OFFICERS WORKING ABROAD

I write in relation to your query about the number of British police officers working abroad. As you will know, UK policing has a worldwide reputation for excellence and for bringing progressive policing practices to the international arena. International policing assistance provides opportunities to support UK national security and international development priorities and can help tackle organised crime, terrorism and illegal migration at its source.

Through the International Affairs portfolio led by Deputy Chief Constable Colette Paul, ACPO provides the support necessary to ensure the UK policing can provide a seamless deployment of police resources. It brings together experience and expertise in overseas policing deployments and provides a forum to share best practice in delivering effective policing overseas.

The interdepartmental International Policing Assistance Board, chaired by DCC Paul, sets the strategy for police assistance overseas and considers requests. Forces intending to provide assistance require the approval of their Police and Crime Commissioners, on the basis of recommendations from Chief Constables.

UK officers are routinely involved in a range of international assistance work including:

- Peace support operations, including: conflict prevention; post-conflict stabilisation and recovery; peace enforcement and peace keeping.
- Security and justice sector training, reform and development activities supporting foreign state police agencies and government authorities.
- The deployment/secondment of police officers and police staff to foreign states and international organisations in order to build relationships and liaison mechanisms which improve police operational capability both at home and abroad.
- Strategic international engagement, in order to share best practice, develop doctrine and provide networking assistance to UK forces and agencies.

Through the International Affairs portfolio we are aware of 36 serving officers deployed overseas, selected from forces across the UK, including MoD Police and Scotland. These are as follows:

Afghanistan—21
Kosovo—9
Sierra Leone—1
South Sudan—1
Liberia—1
Libya—1
Occupied Palestinian Territories—1
Yemen—1

You may also be interested to know more about the work of the International Academy (IAB) based at Bramshill. On an ad hoc basis police officers seconded to the College of Policing will take part in delivering training in operational policing and police leadership through the IAB. 12 police officers were deployed within the last year with their home forces being:

Hampshire X 2
BTP
Sussex
South Wales X 2
Lincs
MPS
PSNI
D&C
Dyfed Powys
SOCA

In addition seven seconded police officers work within the IAB and frequently travel overseas as part of their duties. These officers are from the following forces:

D&C
Hampshire X 3
Surrey x 2
Humberside

The Contributing to European Police Cooperation through Learning (CEPOL) programme is also based at Bramshill. The overseas courses it runs each year attract approximately 107 UK police officers and around 160 overseas police officers or staff. CEPOL currently has eight foreign police officers attached to it from the following countries:

Hungary
Latvia

Germany
Greece
Denmark
Sweden
Italy
Slovak Republic

In relation to your enquiry as to whether foreign police officers are working within the UK, I am not aware of any officers from overseas deployed in an operational capacity. That said, a number of scholarship and secondment agreements do exist with various countries, whereby police officers and staff support learning programmes at institutions overseas. We currently have a superintendent from Hong Kong as a visiting tutor at Bramshill, while each year up to four senior officers support a number of courses on the Senior Leadership Programme at the Australian Institute of Police Management (AIPM).

I hope this information is of use to you.

Sir Hugh Orde OBE QPM
President of the Association of Chief Police Officers

May 2013

**Written evidence submitted by Sir Bernard Hogan-Howe QPM, Metropolitan Police Commissioner
[LSP 32]**

Thank you for your letter dated 9 January 2013, received in my office on the 17 January, following my appearance at the Home Affairs Select Committee on 8 January 2013.

I am aware that by now you will already have received a letter of response, dated 11 January, from Deputy Assistant Commissioner Pat Gallan answering your questions regarding Operation Alice.

Please find below additional information which I had agreed to provide the Committee.

1. Has the Metropolitan Police Service retained Ibrahim Magag's passport?

In relation to the retention of Mr Magag's passport I can confirm that we continue to hold this document, which has been in our possession since he became subject to the TPIM notice. I am aware that the Home Secretary has also written to you regarding this matter.

We are continuing with our efforts to locate and apprehend Magag as quickly as possible.

2. What is the MPS doing to deal with the importation of stun guns in to the UK?

Tackling gun crime and the supply of firearms, including tasers, is a priority for the Metropolitan Police Service (MPS). Where we have intelligence on the possession and use of these weapons, we will use all appropriate tactics to take them off our streets and keep the public safe.

Over the past three years we have seen the number of reported crimes in which a taser has been used fall from 94 in 2010, 58 in 2011 to 53 in 2012. The number of tasers we have seized has also reduced significantly during this period, from 252, 150 to 122 over the same period. Most recoveries were by means of police intervention, primarily search warrants.

I attach for your information a further breakdown of crime types where a taser was used in London, as disclosed by the MPS under a recent Freedom of Information Act request.

While the numbers are relatively low and are reducing year by year, it is our view that the use of tasers in criminality in London is not a common problem and this picture is the same nationally. Parcel post is the preferred method of stun gun importation and bulk importation by air freight is on the increase.

The MPS and other forces across the UK continue to work jointly with the National Ballistics Intelligence Service, the UK Borders Agency and the National Crime Agency to take action against those involved in criminal activity involving firearms/stun guns and to suppress and prevent these weapons from entering the country.

In the last 18 months, the MPS have undertaken numerous such joint operations in relation to postal importation of firearms. These deployments, at large postal hubs, targeted the importation of firearms and led to the seizure of a number of firearms/component parts and ammunition. As recently as last week, a joint operation with UK Borders agency led to the recovery of 13 illegal stun guns, which were destined for London. This operation is still ongoing.

Sir Bernard Hogan-Howe QPM, Metropolitan Police Commissioner

23 January 2013

Written evidence submitted by Deputy Chief Constable Simon Edens, ACPO lead on anti-social behaviour [LSP 33]

Thank you again for the opportunity to give evidence to the Home Affairs Select Committee on 8th January 2013 in the session on Leadership and Standards in the Police Service.

During the session that afternoon you asked me a number of questions about the register of police officers' business interests which we hold here in Leicestershire. I was unable, at the time, to provide you with any details about the number of officers on the register; I am now pleased to provide you with that detail.

Leicestershire Police's register currently shows that 353 police officers (17% of the force establishment of police officers) have been authorised to pursue business interests and additional occupations.

Police staff (employees who are not sworn officers) are also covered by our policy and the register shows that 209 members (18% of police staff establishment) have been similarly authorised.

I have reviewed the uncorrected evidence transcript from the session and I would like to clarify the statement I made that "*the vast majority of second jobs on that list were people who owned property and were letting that property out... .*"

Having now looked at the numbers in more detail and reconsidered this statement it is clear that it is the greatest proportion rather than the vast majority of entries in the register that relate to officers who own property and let it out (142 out of 353 listed). To put this in to context the next nearest category is 22 (Lecturer/trainers).

The figures for police staff show that just over a fifth (44 out of the 209 staff listed) is registered for owning and letting property.

I respectfully request that this matter is clarified in my evidence.

Deputy Chief Constable Simon Edens, ACPO lead on anti-social behaviour

24 January 2013

Written evidence submitted by Tim Passmore, Suffolk Police and Crime Commissioner [LSP 36]

Further to my attendance at the Home Affairs Committee yesterday, I thought it was important to clarify the issue of my staff costs with you and your fellow committee members.

It was incorrectly suggested that I have made substantial increases to the cost of my office compared to the previous Police Authority administration. I have nine staff posts in my office; the same as the predecessor Police Authority. These nine comprise 8.8fte; I have no deputies or other support. I am very open about all expenditure by this office and the details are clearly itemised on my website www.suffolk-pcc.gov.uk.

It is very important to be mindful that in making comparisons between PCC corporate budgets that they will, depending upon local practice, have varying constituent elements. Comparison therefore of the top line budget figures is unhelpful; the underlying elements need to be explored and understood.

My corporate budget is clearly set out on my website. The staff pay is £490K with on-costs of £157,500 and transport expenses of £11,500, which totals £659K.

For clarification, the figure of £1.7m, which you quoted, is in fact broken down as:

Employee Costs (salaries with on-costs & travel)	£659,000
PCC Costs (salary with on-costs & travel)	£107,000
Supplies & Services, fees and contingency	£253,000
Internal & External Audit and Audit Committee	£140,000
Community Safety Fund	£600,000

You will appreciate that the £600K Community Safety Fund, awarded by the Home Office, is included in the budget. This fund is used to commission services that contribute to my police and crime objectives, and does not contribute directly to the running of the office. This year I have granted funds to the county's five Community Safety Partnerships, the Suffolk Drug and Alcohol Action Team, Positive Futures and the Youth Offending Service.

Tim Passmore, Suffolk Police and Crime Commissioner

May 2013

Written evidence submitted by Alan Hardwick, Lincolnshire Police and Crime Commissioner [LSP 37]

Thank you for inviting me to give evidence to the Committee.

I know you were pursuing a very specific line of questioning to facilitate the writing of your imminent report to the Home Secretary but I would welcome the opportunity to engage with you on wider policing and criminal justice issues, either as part of your work next year on Commissioners or outside of this should the opportunity arise.

On the immediate issues that you are considering, I would like to set out in writing my views regarding leadership and standards in policing.

I welcome the creation of the College of Policing and many of the recommendations Mr Winsor made with regard to both the professionalisation of the service and the concept of direct entry. We need to invest more heavily in developing the leadership capabilities of our police officers, particularly in organisational management, if we are to deliver efficient and effective policing in the modern age. We must make greater efforts to draw on expertise from outside the police profession, whether that be private sector or elsewhere in the public sector. Direct entry will only go a small way to facilitating this.

In terms of Standards, you will not be surprised that I take the view that the existing legislative framework for police officers requires review. In particular this is in the light of the recent high degree of scrutiny around the relationships police officers have with the media and the work HMIC carried out with regard to integrity. In the case of my own Chief Constable, you will be aware that there is some ambiguity about the role of CPOSA. I don't believe the general public would take the view that it is appropriate or desirable for the most senior police officers in the country to be involved in direct negotiations around employment disputes and compensation payments for other chief officers and "friends". CPOSA's role, what it should and shouldn't do, needs to be more clearly defined.

Given the Select Committee's concerns about decision making in the Police and Crime Panel it might be useful to you to understand a little more about the very different approach I took as Commissioner. I was supported by a very experienced private legal firm, Andrew and Co who had provided monitoring officer and legal services support to the Police Authority for many years and include a former Chief Executive of the Police Authority on their staff. They were supplemented by Counsel's advice as required. You will be aware the allegation came from a very senior and credible police source and who had shared it informally with HMI, IPCC, CPOSA the Home Office and other senior police colleagues before it reached us.

I consulted with IPCC prior to making the decision to suspend. My own IPCC Commissioner, Ms Amerdeep Somal, indicated in a telephone conversation that she had received a copy of the allegation letter sent to my Chief Executive, expected us to "record" the matter and refer it to the IPCC immediately and believed Mr Rhodes' conduct, if proven, was serious and potentially criminal. She specifically said she would not dissuade me from the course of action to suspend I ultimately took. I was aware that my decision so early in the life of PCCs would attract attention but having taken careful advice I could not ignore what is and remains a very serious allegation against my Temporary Chief Constable.

Like many Commissioners, I am concerned about the Home Secretary's plans to widen the remit of the Independent Police Complaints Commission. My own interaction with the IPCC relating to the allegation against my Temporary Chief Constable left me with the impression that the organisation is not fit for purpose for its current role. After I referred the matter to them there was a significant delay in receiving a formal response which, without the involvement of Deborah Glass and Dame Anne Owers, would have been completely contrary to the advice I had received from Ms Somal. It is not acceptable for organisations such as the IPCC to fail to be consistent in cases of police professional conduct. Police and Crime Commissioners must rely on their advice and support and uncertainty does nothing for public confidence and is unsettling for all involved.

Turning to wider issues, you will be familiar with the funding challenges we face in Lincolnshire. I have attached to this letter some key facts about our position, which I hope may be useful to you and fellow Committee members.

I know you are also familiar with our partnership with G4S and the importance of our collaborative activity among the PCCs and Forces of the East Midlands. As you are an MP in the region, I would very much like to extend an invitation to you to visit us and learn first hand our approach to maximising efficiency and effectiveness through our partnership working. Please let me know if you would wish to do this and we can arrange a mutually convenient time.

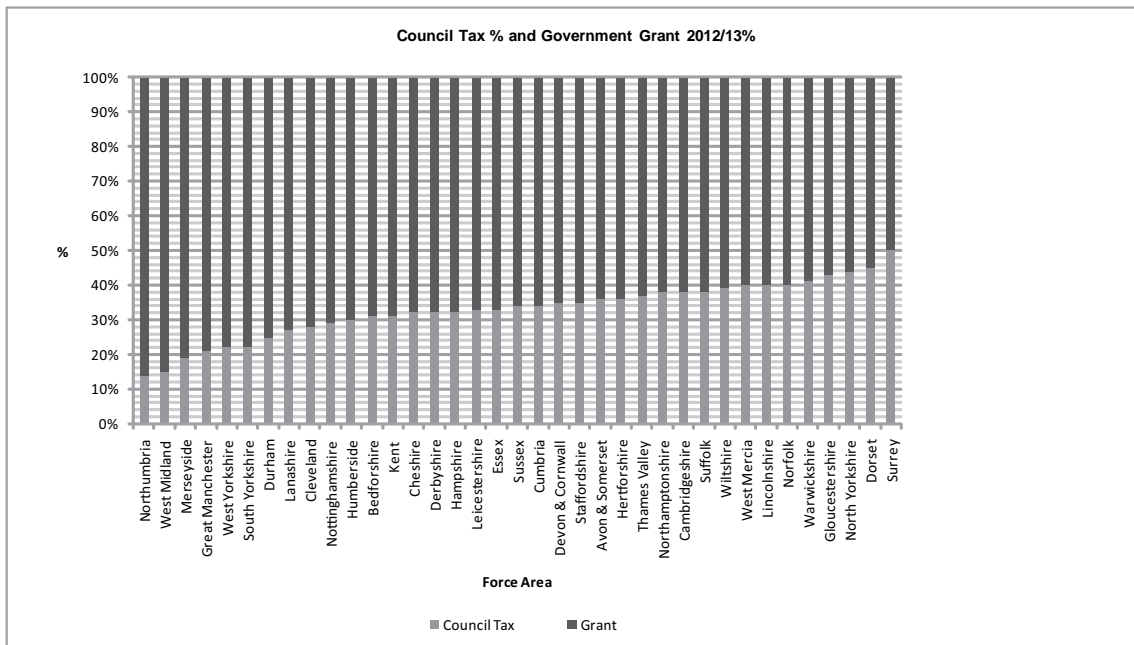
I hope we can meet again, either in Westminster or here in Lincolnshire in the not too distant future.

Alan Hardwick, Lincolnshire Police and Crime Commissioner

May 2013

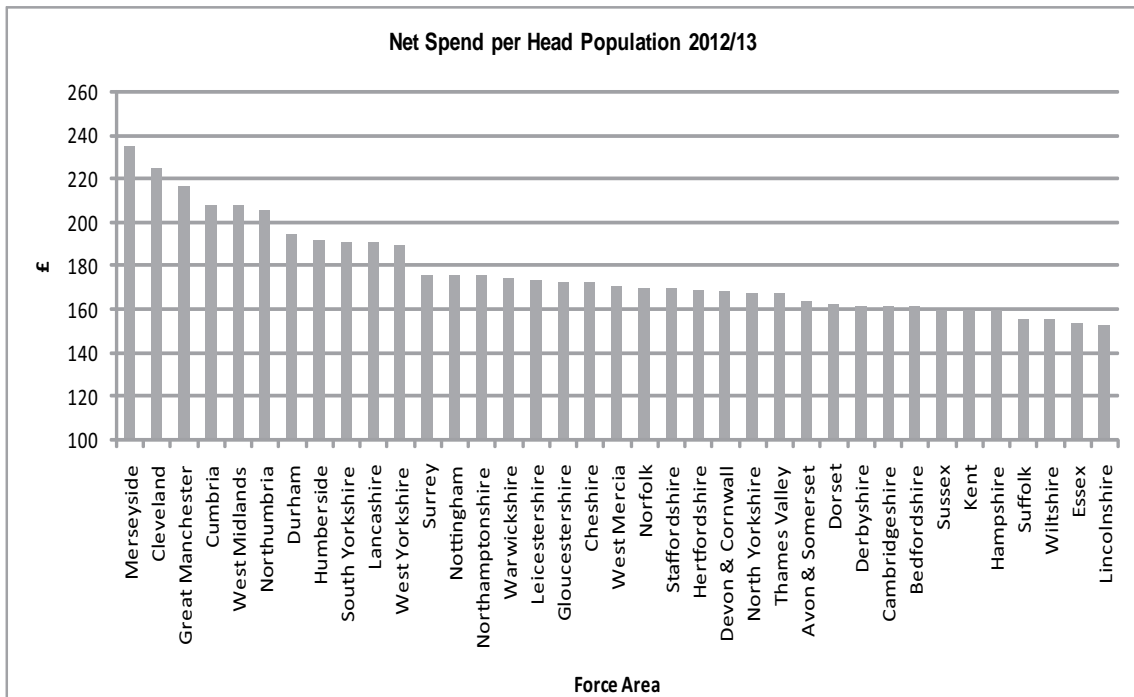
POLICE FORCE FUNDING—ENGLAND 2012/13

On average, local Council Tax payers funded 31% of the cost of policing in their local area—in Lincolnshire, however, local people funded 41% of the cost of policing.



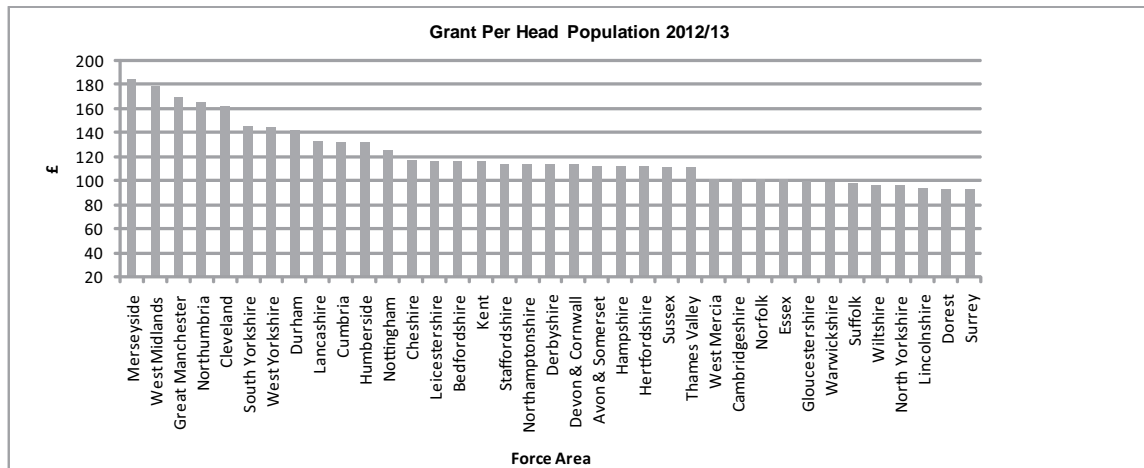
This puts Lincolnshire people in the top quartile in terms of their local contribution towards policing, alongside Norfolk, Warwickshire, Gloucestershire, North Yorkshire, Dorset, Surrey.

In spite of the large contribution made by local people, spending on policing per head of population in Lincolnshire is the lowest in England at £154 per head of population.



Essex spends the 2nd lowest per head of population at £155 per person—but the people of Essex only contribute 34% of the total cost of policing.

If Lincolnshire was funded at the same level as Essex per head of population, more than £825,000 additional funding would be available—enough to fund 20 additional police officers.



Lincolnshire's police grant funding per head of population is 35th in the English league table of 37 police force areas (excluding London) and there are 8 police force areas where grant per head is at least 50% more than Lincolnshire's grant per head.

To highlight the extent of the funding differential, if Lincolnshire's funding per head of population was commensurate with the contribution made by local people, ie top quartile, a further £27m would be available for policing in Lincolnshire. If Lincolnshire's spend per head of population were only at the average for English forces this would imply an additional £17.5m.

Put another way, if all English forces (excluding London) spent at the same level per head of population as Lincolnshire this would produce a saving of in excess of £1bn set against the £5.5bn government grant provided to English forces (excluding London) through central government formula grant.

OPCC for Lincolnshire

9 May 2013

Written evidence submitted by Alex Marshall, Chief Executive, College of Policing [LSP 38]

Thank you for your letter of 1 May asking for information on the Certificate in Knowledge of Policing. I have responded to each of the questions you raise below. I have also included some brief background details.

The Certificate in Knowledge of Policing was introduced in April 2012. It was developed from the Curriculum of the Initial Police Learning Programme and accredits underpinning knowledge from the broader Diploma in Policing. The Diploma in Policing is the National Minimum Professional Qualification for a new constable and the Certificate is a means towards achieving the Diploma.

The Certificate was developed by the College of Policing with Skills for Justice, the Sector Skills Council. The qualification was developed in response to initiatives in police forces to offer a similar course but without appropriate external accreditation, which would not have had consistent recognition as learning towards the Diploma.

The Certificate enables individuals applying to the role of police constable to complete part of the Diploma in Policing prior to entry into the service. This allows candidates to take responsibility for their learning.

The College of Policing is working very closely with police forces and with providers to support the introduction of the Certificate. The College recognises that this is a new approach but to date there has been a very positive and engaged response from providers.

1. Who will issue these certifications?

The Certificate is offered by three Awarding Organisations: City and Guilds; OCR; and Skills for Justice Awards. These are commercial organisations that approve local assessment centres to assess and award the Certificate. The learning required to achieve the Certificate is offered by these assessment centres, which are within Further Education, Higher Education and the independent sector.

The College has introduced an 'Approved Provider Scheme' to ensure that all providers are formally assessed and approved by the College as suitable providers, capable of the necessary rigour of both teaching and assessment. Providers will, from June 2013, be required to provide data every 6 months on the diversity profile of the recruitment and retention of candidates.

2. *Who will require this certification?*

There is no national requirement for candidates to achieve the Certificate in Knowledge of Policing. A small number of police forces have introduced this requirement locally including the Metropolitan Police Service who has worked closely with the College. Most forces are likely to continue to operate a mixed entry arrangement at least until there are sufficient candidates holding the Certificate across the county.

3. *The requirements to attain this certification*

There are currently no specific entry requirements for the course and qualification. Many of the current candidates are PCSOs and Special Constables. However, all providers must make it clear to candidates that the qualification does not in any way guarantee success in recruitment to a police force.

4. *The method of assessment for attaining this certification*

The Certificate is a modular qualification, made up of 10 units at Level 3 of the Qualifications and Credit Framework. It is assessed via a mix of methods including tests, open book assignments and closed book assignments. The Certificate is offered as full time, part time, evenings only and weekends only. There are currently no distance learning providers but it is expected that we will approve a distance learning provider.

5. *How much this certification will cost*

The cost of awarding the Certificate currently varies between £750 and £1,000 per candidate.

6. *When this certification comes into force, and to whom it will apply*

The Certificate in Knowledge of Policing was introduced in April 2012. There is currently no national requirement for candidates to achieve the Certificate.

7. *How applicants are expected to pay for this certification*

The qualification is approved for funding by the Skills Funding Agency (within the

Department for Business, Innovation and Skills); arrangements for funding for individual candidates meeting the Skills Funding Agency criteria will be managed by providers. We will be monitoring the level of funding provided going forward.

8. *Who made the decision to introduce this certification?*

In December 2011 the Association of Chief Police Officers Cabinet approved a strategy 'Professional Entry for Policing' which set out the benefits of the Certificate in Knowledge of Policing. Part of the rationale for the initiative is to align entry to policing more closely with other professions. The College of Policing is now responsible for this work and is actively supporting and assisting police forces and providers.

I hope the above of is of use. We would be pleased to provide further information as this initiative progresses.

Alex Marshall, Chief Executive, College of Policing

May 2013

Written evidence submitted by Ray Wootten, Chair, Lincolnshire Police and Crime Panel [LSP 39]

RE: INFORMATION REQUESTED AT THE HOME AFFAIRS SELECT COMMITTEE ON LEADERSHIP AND STANDARDS IN THE POLICE HELD ON THE 14 MAY 2013

As requested at the Home Affairs Select Committee on Leadership and Standards in the Police on Tuesday 14 May 2013 I attach the written legal advice that I received from the Lincolnshire Police and Crime Panel's Legal Adviser. I also attach a timeline of events from the initial suspension of the Temporary Chief Constable through to the Extraordinary Meeting of the Panel held on 9 May 2013.

The Home Affairs Select Committee also enquired as to how the legal adviser to the Panel was appointed. I would like to clarify the legal advice given was from the Monitoring Officer for East Lindsey District Council who host the Police and Crime Panel for Lincolnshire.

Following the oral evidence which I provided to the Committee I released a press statement to clarify the position regarding my testimony.

I believe that I inadvertently gave the incorrect impression that I was not allowed to hold an extraordinary meeting of the Police and Crime Panel. I now accept that this was incorrect.

The correct position is that I was given advice that it was not desirable to hold a meeting of the Police and Crime Panel to discuss the suspension of the acting Chief Constable whilst various legal and HR issues were

still under investigation, for example the Judicial Review and the Sir Peter Fahy investigation, which is still on-going. It was important that we did not compromise those reviews.

Following careful consideration, as chairman, I decided not to hold a meeting earlier, which I still stand by. However, I did decide to hold a meeting on the 9 May to appoint the Task Group which will start work once the Sir Peter Fahy report is completed.

I have already apologised to the legal officer I referred to at the Select Committee. I am very sorry that this misleading impression was given, my only explanation was I felt under excess pressure at the hearing and did not explain the situation clearly enough.

I acted in good faith throughout. I gave evidence to the Select Committee in order to assist the matter. I held a meeting of the Panel on 9 May 2013 for the purpose of arranging a Task Group so that we are able to respond to the wider issue of performance as efficiently as possible at the correct time.

I will be standing down as Chairman of the Police and Crime Panel at the annual general meeting in June.

Councillor Ray Wootten

Chairman of the Lincolnshire Police and Crime Panel

May 2013

Annex A

LEGAL ADVICE—20 MARCH 2013

As you say, the legislation is largely silent on this and I guess that is why the LGA guidance places so much emphasis on the need for the PCP and the PCC to agree a sensible working protocol on what information can and will be shared between them and when the PCP should sensibly be scrutinising decisions & actions of the PCC.

Has such a protocol been set up?

Presumably the PCC has complied with his statutory obligation formally to notify the PCP of the suspension (S38)?

I don't think there has ever been a question of anyone saying the PCP cannot legally look at this decision—the question is whether it is sensible and safe for them to do so now. My strong advice remains that it is entirely premature for the PCP to look into the question of the suspension. In particular:

- The role of the PCP to review or scrutinise decisions/actions of the PCC is expressed in the Act as something they “must” do (S28(6)). However this is not an unfettered power. They must (S28(2)) exercise this to support “the effective exercise of the functions of the PCC for the area”.
- The relationship between the PCC and the CC is one of employer/employee. That brings with it the power to suspend and the power to dismiss—and the act sets out a number of processes which must be followed in those circumstances, some of which require the involvement of the PCP. The power to suspend does not require the involvement of the PCP, only their formal notification.
- The relationship between the PCC and the CC is governed by employment law, police regs, contractual issues etc. Suspension is not, as a matter of fact and law, proof of (or even an insinuation of) guilt, regardless of how it may be construed, and is a relatively routine “tool” available to employers in the discipline of employees.

As I understand it, the suggestion is that the PCP wish to be assured that the PCC has been through proper process in undertaking the suspension. I am not told whether that wish for reassurance arises from any evidence or implication that he has not and, if so, where that came from. In reality the PCC could attend the meeting, say “yes I have followed proper process”. The issue is what do the PCP do then? Their role is to support the effective exercise of the functions of the PCC. I am sure it is not their wish to undermine his position as an employer and it would be difficult to see how an investigation by them at this stage if it were to come to the conclusion—supported by expert evidence or otherwise—that he had not actually followed proper process could in any way be construed as “supporting”.

A positive working relationship between the PCC and the PCP is essential—it can of course be robust but it must be positive. In my view, calling the PCC to a meeting to ask him to account for actions which he is entitled to take in law is not at all conducive to such a relationship. If the CC and those advising him feel the suspension was improper or the investigation and decision following it flawed, then they have rights as regards that. The PCP has a statutorily defined role if that decision leads to retirement/resignation/dismissal. It also has a clear scrutinising role if the CC takes legal action as regards the process and either wins or loses, as part of its role of supporting the effective exercise of the PCC's functions.

As set out above, my strong advice remains that the PCP should not hold a meeting and summon the PCC to account for his actions at this stage. I understand the PCP's wish for assurance and would suggest a formal letter from the Chair asking for such assurance from the PCC.

I hope this helps—perhaps a conversation between Stuart Davy as C Ex of the “host” authority and Cllr Wotton might help?

Let me know if you need anything else from me.

Eleanor

Annex B

TIMELINE FOR HOME AFFAIRS SELECT COMMITTEE

25 FEBRUARY 2013 (LATE EVENING)

The Lincolnshire Police and Crime Commissioner (PCC) informed the Chairman of the Lincolnshire Police and Crime Panel that he had suspended the Chief Constable and referred the matter to the Independent Police Complaints Commission (IPCC).

26 FEBRUARY 2013

The Chairman of the Panel informed the Panel’s Corporate Support Officer that the PCC had suspended the Chief Constable. The Chairman requested that details be sought in regard to the Panel’s involvement in the suspension process.

The Panel’s Support Officer emailed the Panel’s Legal Adviser requesting a legal opinion on whether the Panel had any involvement in the suspension process under statute. It was confirmed that the Panel did not have any involvement in the suspension process.

The advice was emailed to Panel Members by the Panel’s Support Officer.

27 FEBRUARY 2013

The Panel received a letter from the PCC informing the Panel of the Chief Constable’s suspension.

The Panel issued the following press release:

“The Panel has been informed by the PCC of the suspension of the temporary Chief Constable Neil Rhodes whilst potential conduct matters are being investigated by the IPCC. The Panel does not have any involvement with this investigation and it would be inappropriate for the Panel to make any further comment whilst the IPCC investigation is ongoing.”

2 MARCH 2013

The Chairman of the Panel emailed Panel Members to inform them that he had spoken twice to the PCC and that any information received from the PCC would be circulated to Panel Members to keep them informed of developments.

The Chairman of the Panel informed Panel Members that they would be required to hold a Meeting if the Chief Constable is called upon to retire or resign by the PCC.

11 MARCH 2013

The IPCC issued a press release stating that whilst they believed the potential conduct matter required investigation it did not amount to serious corruption or misconduct which would merit an IPCC investigation. The matter was referred back to the Commissioner for local investigation and for him to determine the way forward.

13 MARCH 2013

The Panel released the following press release:

“The Lincolnshire Police and Crime Panel was informed of the suspension of the Chief Constable on Tuesday, 26 February 2013. The Panel is unaware of the reason for the Chief Constable’s suspension. It is understood that the Independent Police Complaints Commission has informed the Police and Crime Commissioner for Lincolnshire, Alan Hardwick, that they don’t intend to investigate the matter further and that the matter is best dealt with locally. Until the local investigation is completed it is inappropriate for any further comment to be made by the Panel.”

14 MARCH 2013

The PCC appointed the Chief Constable of Greater Manchester Police Sir Peter Fahy as investigating officer. The PCC commented:

“I am pleased to appoint Sir Peter Fahy to conduct an independent and rigorous investigation and I look forward to receiving his findings in due course.”

The Chairman of the Panel was notified by the PCC of the appointment of Sir Peter Fahy to conduct the investigation.

The Panel released the following press release:

“The Police and Crime Panel is aware of a local investigation being carried out into the Chief Constable, Neil Rhodes of Lincolnshire Police but is unaware of the circumstances surrounding his suspension from duty. The Police and Crime Panel’s role is to scrutinise the performance of the Police and Crime Commissioner for Lincolnshire to help ensure that policing remains effective in Lincolnshire. This scrutiny will be based on fact and not speculation. The Panel is not in a position to take a view on the matter until the Commissioner has concluded his investigation and an outcome is reached. Where an issue with performance is identified we will hold the Commissioner to account.”

15 MARCH 2013

The Panel wrote to the Commissioner to request that it be kept informed of the progress of the independent investigation and of any actions the Commissioner may take as a result of its findings.

16 MARCH 2013

The Panel’s Support Officer received an email from the Chairman of the Panel asking for legal advice on interpreting section 28(6) of the Police Reform and Social Responsibility Act 2011.

18 MARCH 2013

The Panel’s Support Officer emailed the Legal Adviser for clarification on section 28(6) of the Police Reform and Social Responsibility Act 2011 and if this would support holding a Meeting of the Panel to investigate the issue further.

The Chairman of the Panel emailed the Panel’s Support Officer with advice which he had received from Mark Norris from the Local Government Association in relation to what powers the Panel have under the legislation.

19 MARCH 2013

In response to the Panel’s letter sent on 15 March the Commissioner emailed the Panel stating that he would endeavour to keep the Panel informed of developments.

The Chairman of the Panel emailed Teresa May and the Minister responsible for Police and Criminal Justice for further advice regarding the legislation.

The Panel issued the following press release:

“On behalf of the Panel, I have written directly to the Home Secretary, Teresa May, to make her aware of the current situation with the Chief Constable in Lincolnshire and to seek reassurance that the Panel’s view that it should scrutinise performance as opposed to operational process is correct.”

The Panel’s Corporate Support Officer telephoned the Chairman of the Panel to confirm that written legal advice had been sought from the Panel’s Legal Adviser and that a copy of the advice would be provided to the Panel.

The Chairman of the Panel emailed the Panel’s Corporate Support Officer to confirm that he and the Vice Chairman had agreed not to call a meeting until the Sir Peter Fahy investigation had concluded and would set up a Task and Finish Group after this date.

20 MARCH 2013

Written legal advice received from the Panel’s Legal Adviser confirmed that the Panel could legally look at the PCC’s decision but that it was a matter of whether it is sensible and safe for them to do so now (The legal advice is attached).

The legal advice was emailed to Panel members by the Panel’s Support Officer.

The Chairman of the Panel requested that the Panel’s Support Officer write to the PCC asking for assurances regarding the protocol the PCC had followed in suspending the Chief Constable. The findings in the Judicial Review held on 26 and 27 March overtook the need for the letter seeking assurance from the PCC.

25 MARCH 2013

The PCC informed the Chairman of the Panel of the reason for the suspension of the Chief Constable and that the details will be made public the following day.

26 MARCH 2013

The Chairman of the Panel emailed Panel Members with details provided by the PCC on 25 March 2013.

Following the public release of information relating to the Judicial Review the Panel issued the following press release:

“The role of the Police and Crime Panel is to scrutinise the performance of the Police and Crime Commissioner. Where a performance related issue is found to be affecting Policing in the county we will rigorously challenge the Commissioner and hold him to account. On behalf of the Panel, I have already written directly to the Home Secretary, Teresa May, to make her aware of the current situation with the Chief Constable in Lincolnshire and to seek reassurance that the Panel’s view that it shouldn’t be involved in an internal police investigations is correct. It would be inappropriate for the Panel to comment further at this time given the ongoing investigation.”

The Chairman of the Panel emailed Panel Members to confirm that an open meeting will be organised once the case has finished and that he has contacted the Home Office for advice and clarification.

27 MARCH 2013

The Chairman of the Panel contacted the Panel’s Legal Adviser for further advice prior to the conclusion of the Judicial Review. The advice received states that the current legal action may not be the last of any legal action the Chief Constable may take against the PCC and also that the Judicial Review may state that the suspension was only unlawful due to a procedural defect which the PCC could correct and then re-suspend the Chief Constable. It outlines the risk of holding an extraordinary meeting during continuing legal proceedings and in the run up to County Council elections (The legal advice is attached).

The Panel released the following press statement:

“The Police and Crime Panel is well aware of its responsibilities and they are to support the effective exercise of the functions of the Police and Crime Commissioner for Lincolnshire and to scrutinise the PCC’s performance. It is not the role of the Panel to challenge the Police’s internal HR processes. Where a performance related issue is found to be affecting Policing in the county we will rigorously challenge the Commissioner and hold him to account. It would be inappropriate at this time for the Panel to comment further given the ongoing investigation.”

28 MARCH 2013

The outcome of the Judicial Review which overturns the suspension of the Chief Constable is made public.

1 APRIL 2013

The PCC announces that Neil Rhodes will continue as Temporary Chief Constable until the completion of the investigation into allegations about his conduct and any consequent procedures were complete.

The Chairman of the Panel received a letter from Damien Green MP the Minister for Police and Criminal Justice which clarifies that the legislation does not set out any specific power or procedure for the scrutiny of a decision to suspend a temporary chief constable, however, as mentioned the Police and Crime Panel has a wide remit to “review or scrutinise decisions made, or other action taken, by the relevant PCC in connection with the discharge of the Commissioner’s functions under section 28(6) of the act”. The suspension of a Chief Constable is a decision or action falling within this review and scrutiny function.

The Chairman of the Panel requested the Panel’s Corporate Support Officer organise an Extraordinary Meeting of the Panel to take place on the 26 April to look into the effect the suspension of the Chief Constable has had on the performance of Lincolnshire Police and also to look at establishing a Task and Finish Group to look into the events surrounding the suspension of the Chief Constable. The Panel’s Corporate Support Officer highlighted to the Chairman of the Panel the legal advice given on 27 March which advised of the potential risks of holding a Meeting prior to the County Council Election.

2 APRIL 2013

The Chairman of the Panel emailed the Panel’s Corporate Support Officer requesting an Extraordinary Meeting of the Panel to take place on either the 9 or 10 May to avoid the County Council Elections.

3 APRIL 2013

The Chairman of the Panel emailed the Panel’s Corporate Support Officer stating that the PCC has informed him that the initial report of the Sir Peter Fahy investigation should be ready in the next two weeks.

4 APRIL 2013

The Chairman of the Panel emailed the Panel's Corporate Support Officer requesting an Extraordinary Meeting of the Panel for the sole purpose of looking at establishing a Task and Finish Group to look into the events surrounding the suspension of the Chief Constable.

5 APRIL 2013

The Chief Executive of East Lindsey District Council wrote to the Chairman of the Panel. The letter summarised the advice received and asked the Chairman to confirm which date he wished the Extraordinary Meeting to take place on.

8 APRIL 2013

The Panel Support Officer emailed the Chairman of the Panel to seek clarification over which date the Extraordinary Meeting is to take place on. The Chairman of the Panel replies that he has asked members for their preference and given them 1 week to respond.

14 APRIL 2013

The Chairman of the Panel emailed the Panel's Corporate Support Officer calling for an Extraordinary Meeting of the Panel to be held on Thursday 9 May at East Lindsey District Council to consider setting up a Task and Finish Group to look into the events surrounding the suspension of the Chief Constable Neil Rhodes.

29 APRIL 2013

The Chairman of the Panel received an email from the Second Clerk to the Home Affairs Select Committee to call the Chairman of the Panel to give oral evidence about the work of the Police and Crime Panel on Tuesday 14 May at 3.30pm in the House of Commons, Westminster.

9 MAY 2013

An Extraordinary Meeting of the Panel is held. The Panel agreed to establish a Task Group to "examine the events surrounding the decision by the Police and Crime Commissioner for Lincolnshire to suspend the temporary Chief Constable, Neil Rhodes, from duty, to enable the Panel to ascertain whether any lessons may be drawn there from"

Members of the public are inadvertently excluded from the Panel Meeting. The Chairman of the Panel and East Lindsey District Council staff apologise to the members of the public. The Chairman of the Panel provided information on what the Panel had agreed to members of the public.

East Lindsey District Council issued an apology to the members of the public excluded from the Meeting and to the journalists present. The apology is later reported in the local media.

Written evidence submitted by AC Cressida Dick, Metropolitan Police [LSP 40]

I am responding to your letter of 25 April 2013, in which you ask for a written update on the progress of Operations Elveden, Weeting and Tuleta. In the letter addressed to DAC Kavanagh, you ask seven questions which I deal with in order.

I am also responding, in this letter, to the three questions you ask of the Commissioner in subsequent correspondence, dated 9th May 2013. The response I give to question six seeks to provide you with the specific information you request.

Question 1—Details of arrest and prosecutions to date

The total of arrests across all operations currently stands at 121, and can be broken down as follows, Operation Elveden 65, Operation Weeting 36, Operation Tuleta 20. To date there have been 5 convictions, 31 charges, 69 suspects bailed for further enquiries and 16 people informed that there will be no further action taken against them. The convictions are for Misconduct in a Public Office and relate to four police officers and one prison officer. The main Operation Weeting trial has been listed for 9th September 2013; the CPS is in the process of considering whether Operation Elveden defendants and/or Operation Sacha defendants (perverting the course of justice) should be joined to the Operation Weeting trial.

The arrest and charge figures are correct as at 22nd May 2013. It is likely there will be further increases in these figures by 9th July 2013, when I am due to give evidence at the Home Affairs Select Committee.

Question 2—An update on your estimate of the number of victims of phone and computer hacking

Operation Weeting estimate that there are 3,700 "potential victims" of phone hacking, in that their names and phone numbers are in the hacking related material that police hold.

Of that total there are just over 1,000 “likely victims”, where there is an additional indication that they may actually have been hacked. This includes, for example, recordings of voicemail messages and details of Personal Identification Numbers. The numbers are still subject to some change as the evidence is developed.

Operation Tuleta has recorded 154 allegations of computer hacking, of which evidence has been found to substantiate 59 of those complaints.

Question 3—Your policy regarding leaks by police officers to the press where no payments have been made

Operation Elveden’s terms of reference are “to investigate alleged criminal offences that police officers or public officials have accepted money for supplying information to journalists”. The terms of reference have not been changed, however when suspected criminal wrongdoing that does not include payment comes to light it cannot be ignored.

Of the 64 arrests made on Operation Elveden, only one has been where payment is not a feature of the investigation. It is difficult to comment further on this issue without potentially prejudicing future prosecutions.

I would seek however to emphasise that it is in the public interest that police and the media have an open and honest relationship and the MPS actively promotes this on a daily basis.

Question 4—A proposed time line for each investigation

New evidence continues to be uncovered in all three investigations. For example, Operation Weeting has recently made new arrests in connection with both News International Newspapers and Mirror Group Newspapers. The length of all three investigations will be dependent on the evidence uncovered, the level of cooperation being provided by the newspapers being investigated and resourcing levels.

Numerous case files are in the process of being constructed for consideration by the CPS and, without pre judging their charging advice, there is the potential for further trials in the future. Where defendants have already been charged the CPS is considering the composition and order of trials as there is, at times, a cross over in evidence between investigations.

All of the factors mentioned have implications for the time each investigation will take to reach a conclusion, and there are at present too many variables to make an accurate prediction. I can say however that the investigations have been provided with funding up until April 2015.

Question 5—Costs to date and estimated costs for each operation

In 2011–12 the investigations cost £9 million and in 2012–13 £11.3 million, making the cost to date £20.3 million. The costs are as follows:

- Operation Weeting—£13 million.
- Operation Elveden—£5.7 million.
- Operation Tuleta—£1.6 million.

The budget forecast for 2013–14 is £12.4 million and for 2014–15 is £6 million.

Question 6—Staffing and leadership arrangements

The total staff allocated to the three operations in 2012–13 was 195; the total for 2013–14 has been reduced to 169.

Each operation has a detective superintendent in the role of senior investigating officer. A detective chief superintendent oversees the three investigations and reports to Commander Neil Basu.

Neil was recently appointed to the role, with the departure of DAC Kavanagh to become Chief Constable of Essex. I continue to be the Management Board Lead so Commander Basu reports to me, as did DAC Kavanagh and DAC Akers. Neil is in the process of meeting with the senior investigating officers for each of the operations, and will, as his predecessors did, keep me regularly updated.

Question 7—Any other information you consider relevant

The issue of the proportionality of police action when arresting journalists has been the subject of some critical media comment. In response, on 26th March 2013, I wrote to the Executive Director of the Society of Editors. For ease of reference I have attached a copy, as it sets out the police response to the issues raised.

I do hope that this summary provides you with the clarification you are seeking; I look forward to updating the committee further on 9th July 2013. Please bear in mind that the figures I have quoted in this letter may have changed by that time. In the meantime, if you require any further assistance, please do not hesitate to contact this office.

Cressida Dick
Assistant Commissioner
Metropolitan Police Service

May 2013

Annex A

LETTER FROM AC CRESSIDA DICK TO EXECUTIVE DIRECTOR OF THE SOCIETY OF EDITORS, 26 MARCH 2013

I am writing to you concerning the Metropolitan Police investigation into allegations of inappropriate payments to police and public officials (Operation Elveden) which is running in conjunction with the Operation Weeting phone-hacking inquiry.

In the light of some recent reporting and commentary about Operation Elveden I thought it would be helpful to reassure editors on a number of points. I am sure you will understand that for legal reasons I will not refer to current active cases.

I believe it is important to remember that we are not investigating victimless crimes nor has the remit of Operation Elveden been extended to any police officer who has simply spoken with a journalist, as has been suggested. The investigation is about police officers and public officials who we have reasonable grounds to suspect have abused their positions in return for corrupt payments. However when suspected criminal wrongdoing that does not involve payment comes to light it cannot be ignored.

The investigations being carried out do not mean that the Met wants or intends to stop officers talking to journalists. Providing it is above board and follows the straightforward guidelines that have been in place for many years, police officers interacting with journalists are not matters for Operation Elveden. It is in the public's interest that police and the media have an open and healthy relationship and we actively promote this on a daily basis.

Some commentators have drawn inaccurate conclusions about our motives, perhaps because they are not (quite properly) privy to the reasons why individuals have been arrested. Those of us who do know the facts will not discuss them as this could prejudice potential criminal proceedings but I can reassure you that there is extensive deliberation before each and every arrest.

The investigation teams assiduously follow the Court of Appeal guidance that to attract criminal sanctions the suspected misconduct in question would normally have to amount to an affront to the standing of the public office held *and to fall so far below the standards accepted as to amount to an abuse of the public's trust in the office holder*.

Safeguards in the form of external oversight also exist. As well as the Independent Police Complaints Commission supervision of the investigation, officers are working closely with the Crown Prosecution Service at every stage. On the evidence submitted by police, the CPS makes independent decisions about charging that take careful account of the Director of Public Prosecution's guidelines to prosecutors which require them to consider whether the public interest served by the conduct in question outweighs the overall criminality before bringing criminal proceedings.

I would also like to assure you that there are sound operational reasons for the times of day we elect to arrest people and, although this has been criticised, we consider it would be wrong to compromise potential evidential opportunities because those being detained are journalists, police officers or other public officials. We genuinely try to carry out these arrests in a low key manner and as swiftly as possible. This is often best achieved by assigning several officers to the various tasks needed to be carried out following an arrest. An appropriate level of resources reduces the time spent by police in someone's home and the disruption this causes to those involved.

There has also been criticism that journalists have been put 'under surveillance' by Operation Elveden when the reality is that discreet checks being made in the immediate run up to arresting an individual at a certain time and location are a necessary police procedure.

There is also genuine concern on our part about the length of time that some of those arrested have been on bail. We are doing all we can to conclude matters as quickly as possible but it should be appreciated that the delays are the result of the complex nature of these inquiries. There have been millions of emails, documentation, complex communications data and trails of financial transactions that require painstaking analysis as evidence has gradually emerged. It is regrettable that there has been slow progress in some—but by no means all—cases but I am satisfied that the decisions being made by the investigating officers are the right ones and will withstand future scrutiny if challenged.

Finally, it is important not to lose sight of the fact that this investigation is about alleged corruption in public bodies. An unintended and, I hope, short-term consequence of this may be a negative effect on relations between police and journalists. This is unfortunate but in no way undermines the value the MPS puts on the role of a free and investigative press in a democratic society—indeed this investigation is the result of such journalism.

We want open, professional and trusting relationships between our officers and journalists.

Cressida Dick

Assistant Commissioner

Metropolitan Police Service

Written evidence submitted by East Lindsey District Council [LSP 46]

Letter from Emma Baldwin, Lincolnshire Police and Crime Panel Officer, to the Clerk of the Committee, 7 June 2013 regarding a letter received regarding the evidence the Lincolnshire Police and Crime Commissioner Alan Hardwick gave to the Committee [14 May 2013]

I am writing on behalf of the Task Group established by the Lincolnshire Police and Crime Panel to look into the events surrounding the suspension of the temporary Chief Constable Neil Rhodes by the Lincolnshire Police and Crime Commissioner Alan Hardwick.

The former Chairman of the Panel Cllr Wootten received a letter from a member of the public (Mr Pheby) regarding the evidence the Commissioner gave to the Home Affairs Select Committee meeting on the 14th May looking into Leadership and Standards in the Police. The contained concerns which the writer of the letter wished the Task Group to consider. The Task Group has agreed that the matters raised fall within its current scope and have written to Mr Pheby to inform him of this.

The Task Group also agreed to send the letter to the Home Affairs Select Committee due to the information contained within it and its connection to the evidence the Commissioner gave to the Home Affairs Select Committee on the 14th May 2013.

East Lindsey District Council

June 2013

Annex A

LETTER TO CLLR RAY WOOTTEN, CHAIRMAN LINCOLNSHIRE POLICE AND CRIME PANEL

Dear Cllr Wootten,

POLICE AND CRIME COMMISSIONER ALAN HARDWICK

Please forgive me for writing to you again regarding my concerns, as a Lincolnshire ratepayer, over the suspension of the Chief Constable by the Police and Crime Commissioner Alan Hardwick.

On May 14 I watched the Home Office select committee session reviewing Leadership and Standards in the police service via the Parliament TV channel.

Link: <<http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-a/fairst-committee/news/130510-pcc-ev/>>.

As you will be aware, the select committee heard evidence from both yourself and the Lincolnshire PCC Mr Hardwick.

I paid particular attention to the questions put to Mr Hardwick by Mr Vaz and his committee members and to his answers.

Subsequently Radio 4's "the Report" programme on May 16 dealt with a review of the first few months of Police and Crime Commissioners. As you may be aware the programme featured Lincolnshire.

Link: <<http://www.bbc.co.uk/programmes/b01sdrhc>>

I was surprised to hear on this programme (20.20 minutes into the recording) that the journalist asserted:

"...In February he (AH) suspended the temporary Chief Constable Neil Rhodes. The Commissioner had previously told Mr Rhodes that he didn't want him to lead the force anyway, handing him a pile a/job adverts to emphasise the point...."

And after 21.40 mins:

"Neil Rhodes is back as the temporary chief constable of Lincolnshire Police, having to run the force with a commissioner who doesn't want him in the post "

Recalling the questioning of Alan Hardwick by Mark Reckless MP, I went back to Parliament.tv to check what was said.

The questioning went as follows:

Mark Reckless—“... and are there any personal circumstances between you and the chief constable which others might think could have affected this decision?”

Alan Hardwick—“No sir, there are no circumstances at all” Mark Reckless- “Are you sure?”

Alan Hardwick- “Yes sir”

Keith Vaz—“... and before his suspension, presumably as commissioner you had a number of meetings with him?”

Alan Hardwick- “Oh yes”

Keith Vaz- “Any disagreements?” Alan Hardwick- “None”.

This new information appears completely at variance to the answers Mr. Hardwick gave the select committee. I then read the judgment of HH Judge Stuart Smith in the judicial review case. (It is on the internet at the following link):

<http://www.bailii.org/cgibin/markup.cgi?doc=/ew/cases/EWHC/Admin/2013/1009.html&query=rhodes&method=boolean>

I saw that the assertion in the radio programme appeared to be correct. The judge said in Para 60–63:

60. On 11 December 2012 Mr Hardwick met Mr Rhodes and told Mr Rhodes that he did not wish Mr Rhodes to be the Chief Constable of Lincolnshire Police.

61. The next day, 12 December 2012, was the day of the conversation which has given rise to these proceedings. Also on that day the applicant started to make applications for posts outside Lincolnshire. Mr Hardwick would have known that this would happen and he had encouraged it. Specifically, and looking ahead, he would have known that Mr Rhodes was in the middle of a selection process on 25 February 2013, because the meeting at which he suspended Mr Rhodes was arranged for that evening to avoid a clash with the selection process the next day.

62. Although it was plainly necessary for the applicant to consider options, he remained committed to remaining in post at Lincolnshire if he could. Accordingly, he wrote to the Chief Executive of the PCC on 7 January 2013 by a letter dated 6 January 2013 in the following terms:

i. “2. Joining Lincolnshire Police as a constable in 1986 and later returning as DCC in 2008, it is a matter of intense personal pride for me to have led this force as Chief Constable for the past year. It is still my desire to continue leading the force, if the Commissioner has a change of heart. I bear him absolutely no ill will in this matter.

ii. ...

iii. 5. On our first meeting that day the Commissioner told me that, after long consideration “and I have thought of little else recently” he had decided I was “not the man to lead Lincolnshire Police with (him) in the future. He thought I “would make an outstanding chief constable in a larger force” and that the work I had done around outsourcing would make me “a very attractive candidate”. He then handed me a range of advertisements that he had asked staff to print out for him of chief constables’ jobs currently available across the country. I reaffirmed to him my commitment to Lincolnshire Police and asked him why he didn’t consider me suitable. The PCC’s only comment was that he had found our first meeting on the weekend of his appointment “a little bit heavy” but felt I would be “a good chief constable in another force”. He wanted “his own man”. He strongly encouraged me to apply for roles in other forces and said he thought, in due course “you will thank me for this”. He said, on three occasions during this initial conversation that “who I want at chief constable is my decision to make and I have made it”.

iv. 6. I returned to meet him again later that day. I asked him to consider working with me for a further year to build a relationship. . He was reluctant to do this. I made clear, yet again, my absolute commitment to Lincolnshire Police and the fact that in recent years there had been many opportunities available in other forces, but I had stuck with my commitment to Lincolnshire.

v. 7. In terms of the practicalities of applying for other jobs at the present time, I outlined my personal circumstances, which he was aware of from previous, recent conversations. Although I have two older children, one working and one away from university, my youngest, 17 years is part way through his ‘A’ levels. My wife has recently had a very serious illness and is in recovery from it. My mobility, in terms of moving home, is severely limited as a consequence.

vi. 8. In our third, brief meeting towards the end of the day, the Commissioner gave me the assurance of absolute confidentiality in relation to our conversation, in order that I could pursue external applications without prejudice. I was grateful for that.

vii. 9. Since that time I have continued in my role as Chief Constable diligently and professionally. I have shared with the PCC positive proposals to complete the operational

reshaping of the force, and sought always to protect his reputation and that of the force in the way we conduct our business. However this matter concludes, I will continue in that vein as a matter of personal integrity.

viii. 10. I am in a very uncertain position at the moment and I would ask for clarity in relation to the following matters.

ix. 11. Is the PCC able to reconsider his decision in relation to my future?

x. 12. Is the PCC proposing to extend my FTA as temporary chief constable at all, and if not has there been any decision as to when it will conclude?

xi. 13. I should be grateful if you would ask the Commissioner to consider these matters.”

63. On 14 January 2013 the PCC's Chief Executive wrote to the applicant, stating that his fixed term appointment as TCC would not be extended when it expired on 31 March 2013. In that letter he said that the decision not to extend was irrevocable. There is a dispute between the parties about whether sufficient notice was given, but that dispute does not form part of the matters for decision in these proceedings.

In Para 63 above, the judge clearly states that there was a dispute between the PCC and his chief constable, prior to his suspension. This is in addition to the clear dispute between the PCC and his CC as to whether the CC should remain in post. This is not what Mr Hardwick appears to have said in his reply to Mr Vaz.

In addition examination of the PCC's payments schedule on his website reveals legal bills from Andrew and co Solicitors in December 2012 for £2,450.00 and In February 2013 for £3,670.00. Did these relate to legal advice sought by the PCC in relation to the disputes with the Chief Constable? This could be simply established by asking the PCC to disclose that legal advice or at the very least the bills themselves to see what they relate to. Link:

<http://www.lincolnshire-pcc.gov.uk/Document-Library/500-Reports/500-report—Dec-2012.pdf> Andrew & Co Solicitors ref 507205 Office of the PCC for legal Services £2,405.00
<http://www.lincolnshire-pcc.gov.uk/Document-Library/500-Reports/500-report-Feb-2013.pdf> Andrew & Co Solicitors ref 511495 Office of the PCC for legal Services £3,670.00

To my mind this is a very serious issue. Of course I am not in possession of all the facts and it may be that I have misunderstood what the judge and the radio 4 programme were saying. However there is clearly a potentially serious issue here and I consider it is essential that the Police and Crime Panel investigate the matter to establish the truth.

My suggestion is that the issue is added to the scope of the Task Group's terms of reference, so that they can address the issue in their report. Whether the matter should be reported to the IPCC would of course depend on any conclusions reached. Respectfully I do not consider it would be appropriate for the Chief Executive to investigate himself as the issues relate to decisions and discussions that he was intimately involved in.

As a member of the Lincolnshire public I thought it my duty to bring this issue to your attention. I am a retired journalist and editor and believe strongly that parliamentary select committees are a vital aspect of democracy and they rely on people giving clear and truthful accounts.

In the light of the above I wonder if you may feel it necessary to seek some clarification from Mr Hardwick by perhaps:

1. Seeking copies from him of the judicial review judgment and court pleadings.
2. Asking him whether there was any correspondence between him and the chief constable (or their lawyers) on any other matters of dispute prior to the suspension issue.
3. Adding this issue to the terms of reference of the task group investigating his decision to suspend the Chief Constable.

Once again, thank you for taking the time to read this letter. I look forward to hearing from you.

Malcolm Pheby

**Supplementary written evidence submitted by the Home Office [LSP 19d]
[Reported to the House of Commons, 2 July 2013]**

Letter from Rt Hon Damian Green MP, Minister of State for policing and criminal justice, to the Chair of the Committee, 1 July 2013

At my most recent session before your committee, I undertook to write to you on three issues:

- Levels of police officer transfers between other police forces in England and Wales following publication of Tom Winsor's report recommending a starting salary of between £19,000 and £21,000 for new constables.
- The register of Chief Constable interests.
- Publication of the Taser statistics.

During the session, you also requested that I provide additional information on the Police ICT Company. I would also like to clarify the evidence I gave in response to the Committee's questions on undercover law enforcement operations. Further detail on each of these issues is provided below.

POLICE OFFICER TRANSFERS

The Home Office does not publish data regarding the number of police officers who transfer to another as a matter of routine. To assist the Committee in its Inquiry, I have provided figures for the period 2007/2008–2011/2012. If the Committee wishes to write to me again later this year, I would be happy to provide figures for 2012/2013 when those figures become available.

	<i>Transfers to other Home Office police forces</i>	<i>Transfers to non-Home Office police forces</i>
2007/2008	1515	64
2008/2009	1408	66
2009/2010	891	39
2010/2011	355	16
2011/2012	322	28

The information in the table shows that the rate of transfers from one police force to either other Home Office police forces or to non-Home Office police forces has declined steadily since 2007/2008. There could be a variety of factors explaining this reduction. These could include reductions in recruitment levels (and the recruitment and promotion freezes introduced by many police forces) in the run-up and subsequent to the spending review announcement in 2010. The figures do not appear to show that the prospect of changes to police pay and conditions had a dramatic impact on the number of police officers transferring from one police force to another.

REGISTER OF CHIEF CONSTABLE INTERESTS

As the Home Secretary made clear in her statement on 12 February, and in line with the recommendations made by Lord Justice Leveson, national registers of chief officers' pay and perks packages, gifts and hospitality, outside interests, including second jobs, and their contact with the media will be published online.

The register will include business interests, as well as interests in voluntary groups and other associations. The College is designing, and will own and maintain the register. It is in discussion with partners as to the most appropriate location for publication of the registers.

PUBLICATION OF TASER STATISTICS

Dr Huppert has recently tabled a question about publication of Taser statistics. My answer explained that the original database used to store the Police Use of Taser statistics was created in 2003. This version of the database became increasingly outdated and was operating outside of its original design specification. A decision was taken to develop a new database in 2011 which would automatically enter the data from the Taser data forms. We have experienced significant issues with the migration to this new version of the database.

We have resolved these problems and are in the final stages of a thorough data validation exercise. We will publish this information in the Autumn. As these figures will be managed as Official Statistics, we will pre-announce the date of publication and at the same time, announce the dates of subsequent statistical reports. I will be happy to ensure that the Committee is made aware of these dates when published.

POLICE ICT COMPANY

The Police ICT Company was established in June 2012 to transform how the police buy and use technology. It is currently jointly owned by the Home Secretary and the Association of Police and Crime Commissioners.

The Company is designed to be agile and flexible in size; and will act as a gateway to enable the police to access private sector expertise, skills and experience through partnerships with industry. Recruitment for a Chair and work to identify suitable premises for the new Company is underway.

The Company will have a core team who will provide strategic advice and guidance, procurement, implementation and contract management services to its customers. Some PCCs, and other law enforcement agencies, are using these services now. Work is already in progress with Gloucestershire, Staffordshire, Thames Valley and Hampshire.

SCRUTINY OF UNDERCOVER OFFICERS

During the hearing, I gave evidence on the scrutiny of undercover law enforcement officers. I said that we were raising the authorisation level to Chief Constable for these kind of activities. Having read the transcript of the session, I wanted to clarify that our proposal to raise the authorisation level applies to long term deployments, as recommended by HMIC. Deployments

which extend beyond 12 months will have to be authorised by the Chief Constable and approved by the Office for Surveillance Commissioners. Deployments of shorter duration are authorised by an Assistant Chief Constable and will be notified to the OSC. The OSC can raise any concerns with the authorising officer and will monitor the authorisations as part of the on-going inspection regime. In light of the report by Her Majesty's Inspectorate of Constabulary published on 27 June, I am also reviewing the internal authorisation levels for shorter deployments, and considering whether there is more that needs to be done to strengthen the process in relation to more short-term operations.

If you or your Committee require any further information on any issues relevant to your inquiry, I would be pleased to provide it.

*Rt Hon Damian Green MP, Minister of State for policing and criminal justice
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